



Committee report

Committee	LICENSING SUB COMMITTEE
Date	9 JULY 2013
Title	TO DETERMINE AN APPLICATION FOR REVIEW OF THE PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003 FOR THE WIGHT ROCK BAR, THE COLONNADE, LIND STREET, RYDE, ISLE OF WIGHT, PO33 2NE
Report Author	BILL MURPHY HEAD OF PLANNING AND REGULATORY SERVICES

BACKGROUND

1. The provision for reviewing a premises licence exists for where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring at premises where a premises licence has been granted under the Licensing Act 2003.
2. At any stage following the grant of a premises licence, a responsible authority or other person may apply to the licensing authority for a review of the licence on the grounds that one or more of the four licensing objectives is not being upheld.
3. Licensing authorities may initiate their own reviews of premises licences. In addition, officers of the local authority who are specified as responsible authorities in the Licensing Act 2003 may request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
4. Local residents Mr and Mrs Carr applied for a review of the premises licence for the The Wight Rock Bar on 7 January 2013(Appendix A) under Section 51 of the Licensing Act 2003 in relation to the licensing objectives –
 - Public Safety
 - The Prevention of Public Nuisance
5. The grounds for the review are disturbances from music, and the alleged breach of a 1 hour fire safety barrier, as referenced in the application for review.

6. The current licence holders of the premises licence are Shaun and Deborah Newnham. In February 2005 they applied for a public entertainment licence under the previous legislation. A licence was granted after a hearing by the Licensing Panel. In July 2005 the licence was converted to a premises licence under the Licensing Act 2003, and at the same time a variation was requested to remove some of the conditions, including the one relating to the requirement for an acoustician's report to be undertaken. Instead the Newnhams indicated that they had done or were intending to carry out soundproofing works as an alternative measure. No objections were received by the licensing authority, and therefore the licence was issued with conditions attached, including those relating to the steps the Newnhams had proposed with regard to soundproofing.
7. In July 2010 the Newnhams applied for a minor variation of the licence to remove some of the licence conditions, including those relating to the soundproofing, as they stated that these conditions had now been complied with. In consultation with the police, some of the conditions relating to the protection of children from harm were amended and/or reworded. However, Environmental Health could not agree to the removal of the conditions relating to noise as the Newnhams could not produce any evidence of compliance with the soundproofing measures. They therefore withdrew that part of the application and the conditions remained on the licence.
8. A copy of the current licence is attached. (Appendix B)
9. **The application for review of the premises licence was heard by the Regulatory Committee on 21 February 2013. All parts marked in bold is new evidence since the last hearing. Late evidence was produced by both the applicant for the review, and the licence holder, and considered by the Committee. This is attached at Appendix (H). The decision of the Committee was to modify the conditions of the licence, as follows:**
 - (i) *During the provision of live and/or recorded music the noise, including any DJ announcements shall be contained within the premises, or be at a limit which will be barely audible* within the neighbouring or adjoining residential premises.***
 - (ii) *The licence holder shall undertake a formal sound check prior to the provision of live and/or recorded music to assess the action taken to limit the noise from the premises to a barely audible level within neighbouring or adjoining residential premises. The formal sound check shall be carried out with the assistance and to the satisfaction of the Isle of Wight Council's Environmental Health Department.***
 - (iii) *A copy of all public nuisance complaints received shall be recorded in a log book containing the time of the complaint, date of the complaint, the complainant's name and address (where provided) along with the action taken by the licence holder to deal with the complaint including the date and time of actions completed. The log book shall at all times be available for inspection by an authorised officer of the licensing authority and in any event within 24 hours of a request.***

***The definition of ‘barely audible’ provided by Environmental Health is**

"At a level that, whilst it may be audible (heard) is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned within any adjoining or neighbouring residential premises".

10. The officer has advised that the interpretation of ‘barely audible’ relates to any residential properties which are adjoining or neighbouring, and stated that although the residential flats above are not directly adjoining, the intention is that it would also apply to those premises. The officer advised that if in the flats on the first floor the noise is barely audible – there will be no audibility in the flats on the top floor.
11. The decision of the Committee was appealed by the licence holder (Appendix I) and on 25 April 2013 the Magistrates instructed that the matter be remitted back to the licensing authority for reconsideration of their decision in light of the courts view that there was “apparent ambiguity” in the conditions relating to noise

CONSULTATION

12. The Licensing Act 2003 prescribes a twenty eight day consultation period, commencing the day after the review application has been correctly served. The licensing authority is required to advertise the application at or on the premises and at the Council offices.
13. This review application was received on 7 January 2013. The application was advertised at the premises, at the Council offices and on the Council’s web site. The consultation period ended on 4 February 2013.
14. The outcome of the consultation in respect of this review application is as follows:

Responsible Authorities

Children’s Services	No Representation made
Environmental Health	Representation made (Appendix C)
Fire and Rescue Service	Representation made (Appendix C)
Trading Standards Service	No Representation made
Planning Services	No Representation made
NHS	No Representation made
Licensing Authority	Representation made (Appendix C)

15. The Fire Safety Section has provided information regarding a recent inspection of the premises, which indicates that advice was given regarding the provision of an intumescent damper within the ventilation unit, to ensure 1 hour fire separation is maintained. The fire officer will attend the hearing to answer any questions members may have.

16. Environmental Health have indicated that they have received complaints in the past, on average one complaint each year between 2007 and 2010. However, due to the infrequent nature of the complaints, no further action was taken at those occasions. The first contact from Mr and Mrs Carr was in March 2012. Log sheets were sent and returned, but only two further calls of complaint were received by Mr and Mrs Carr, in August 2012 and in November 2012. Therefore Environmental Health could not substantiate a noise nuisance due to the infrequency of the complaints.
17. Environmental Health have indicated that conditions 10 and 12 of the current licence are inadequate or unenforceable, and have therefore suggested conditions to replace these, as listed in their representation.
18. The Licensing Authority has submitted comments regarding these premises and indicated that they are in support of the conditions recommended by Environmental Health and in addition they suggest that the Committee should consider imposing a condition relating to the requirement for a sound check prior to any live or recorded music.

Other Persons

19. **31** valid representations have been received from other persons relating to the licensing objectives:

- Prevention of public nuisance
- Prevention of crime and disorder
- Protection of children from harm
- Public safety

4 of these are in support of the application for the review, (Appendix D) and **27** are from patrons who are in support of the Wight Rock Bar (Appendix E).

21 other representations and a petition containing 77 signatures were received from patrons in support of the Wight Rock Bar which could not be accepted as relevant as they did not relate to the licensing objectives.

Additional Information following consultation

20. Mr and Mrs Newnham, the licence holders, have submitted a written representation in response to the review application (Appendix F). They have mentioned in their submission at point 13 that their development work was signed off by the Building Control officer. The Building Control Officer has sent an email in response and this is attached at Appendix G.

Additional information following Magistrates decision

21. **Since the matter was remitted back to the Committee by the Magistrates Court, further representations have been received from responsible authorities and other persons relating to the period of time since the previous hearing, as follows:**

22. Mr and Mrs Carr have submitted further information;
Noise - They have stated that they believe the noise to be partly due to the construction of the building, and have enclosed log sheets of the occasions when they have experienced noise since the middle of April. They have detailed the effect they believe the noise and stress associated with the noise is having on their health.

Public safety – Mr and Mrs Carr have stated that they believe Mr and Mrs Newnham are running their business in a communal area, and permanently taking over a section of the rear passageway leading from the rear of the flats and the Wight Rock Bar, compromising public safety. They have enclosed some photographs of that area showing bottles etc, being stored in that area. Mr and Mrs Carr's submission is at Appendix J.

23. Environmental Health have submitted further information detailing visits they have made to the premises in the last three months, both proactively and as a result of complaints received. Their memo is found at Appendix K.
24. The Licensing Authority has stated that since the last hearing they have not had any complaints from members of the public and officers have not visited the premises. Clarification has been provided in relation to the Live Music Act and requests that the conditions should apply at all times live music is being provided. The Licensing Authority supports the conditions proposed by Environmental Health and have suggested some measures that the Committee may wish to take. Their memo is found at Appendix L.
25. The Fire Officer has stated in his memo that he has no further comment to make. (Appendix M), however he has verbally confirmed that the rear passageway is not a designated fire exit for the Wight Rock and that bottles stored there awaiting collection would not prevent people escaping in the event of an emergency.
26. Other persons (Appendix N)

Mrs Edmunds has stated that bands have been practising at the Wight Rock bar in the afternoons in recent weeks, which she can hear from her flat above the premises. She is concerned that the increase in use of the premises, coupled with the proposed relocation of a fan to the front of the building could further impact on noise and vibration from the premises.

Mr Leslie Frost has submitted a further representation on behalf of the management company responsible for the properties in the Colonnade, relating to;

- the Newnhams' non-compliance with the terms of their lease in relation to proposed works;
- bands practising in the afternoons;
- the rear fire-escape route being 'taken over' by Mr and Mrs Newnham;

- **nuisance from excessive noise**
27. **Mr and Mrs Newnham have submitted a further representation in which they have indicated that since the previous hearing they have established a dialogue with Mr and Mrs Carr, and have enclosed copies of correspondence between them (Appendix O).**
 28. **Mr Deakin, having spoken at the previous hearing in support of the Wight Rock bar, has submitted further comments (Appendix P).**
 29. **The Building Control Officer has given up to date information regarding the hole into the shaft from Mr and Mrs Carr's property (Appendix Q).**

FINANCIAL/BUDGET IMPLICATIONS

30. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Planning and Regulatory Services, balances income generated from fees.

LEGAL IMPLICATIONS

31. The 28 day consultation period ended on 4 February 2013. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.

National Guidance

32. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:

Licence Conditions – General Principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met,
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but

- may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Public Safety

- 2.9 A number of matters should be considered in relation to public safety. These may include fire safety.

Public nuisance

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.20 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance,

the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis.

They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.39 The authority's decision must be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the licensing authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However it is imperative that the authority ensures that the factors which form the basis for its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.

Implications under the Crime and Disorder Act 1998

33. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights

34. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.

35. There are three convention rights, which need to be considered in this context:

Article 6 - Right to a Fair Trial

36. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

37. It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's licensing system compliant with the convention rights.

Article 8 - Right to Respect for Private and Family Life

38. Everyone has the right to respect for his private and family life, his home and his correspondence. In the case of article 8 there shall be no interference by a public authority with the exercise of this right except as such in accordance with the law and is necessary on a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder and crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 - First Protocol Protection of Property

39. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties".
40. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council's legitimate aim.
41. It is considered that the following paragraphs from the Licensing Authority's Statement of Licensing Policy 2011 – 2014 have a bearing upon the application. Members' attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	N/A
Paragraph 2	Licensing Objectives	2.1 - 2.6
Paragraph 3	Licensable Activities	3.1
Paragraph 4	Integration of Strategies and Other Legislation	4.1, 4.2, 4.6, 4.7
Paragraph 5	Approach to Licensing Applications	5.1, 5.3
Paragraph 6	Cumulative Effect	N/A
Paragraph 7	Representation, Reviews and Appeals	All
Paragraph 8	Enforcement	N/A
Paragraph 9	Operating Schedules	9.11, 9.13 - 9.16

EQUALITY AND DIVERSITY

42. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity legislation – race, disability, gender, age, sexual orientation and religion/belief. (NB: this list is not exhaustive, it does cover current legislation but future development could also include poverty and social inclusion as an example).
43. The equality impact assessment looks at how a service promotes equality and diversity to ensure legal compliance and that the services we provide and the decisions that we make meet the needs of our local community.
44. It is believed that the equality impact assessment will not be affected by the grant or refusal of this premises licence application.

OPTIONS

- Option 1: **To ratify the decision of the previous Committee.**
- Option 2: To retain the licence in its current form.
- Option 3: To modify the conditions of the licence.
- Option 4: To exclude a licensable activity from the scope of the licence
- Option 5: To remove the designated premises supervisor.
- Option 6: To suspend the licence for a period not exceeding three months.
- Option 7: To revoke the licence.

RISK MANAGEMENT

45. **With regard to Option 1: To ratify the decision of the committee would not address the issues that led to the appeal by Mr and Mrs Newnham. The instruction of the court was that due to the apparent ambiguity of the**

conditions, the matter should be remitted back to the Council for reconsideration.

46. With regard to Option 2: To retain the existing permitted hours and licence conditions would allow licensable activities to continue in the current form, which may not ensure that the licensing objectives are upheld. This decision could be appealed by the applicant for the review.
47. With regard to Option 3: Modifying the conditions of the licence or the hours activities are permitted may ensure the licensing objectives are promoted providing the Committee are satisfied the modifications seek to address the causes of the concerns identified. This option may impact on the manner in which the licence holder conducts his business and may have financial implications for the licence holder and therefore may increase the risk of an appeal by the licence holder if this decision is not proportionate for the promotion of the licensing objectives. If the conditions do not adequately promote the licensing objectives, the applicant for review may appeal this decision.
48. With regard to Option 4: Members may wish to consider excluding a particular licensable activity from the licence, which may address any adverse impact on the licensing objectives. This course of action may have financial implications for the licence holder and therefore may be appealed by them. Members should be mindful of the cause of the concerns and whether this option will address these.
49. With regard to Option 5: Members may wish to remove the DPS to enable better management of the premises if they believe that this action would address the concerns that have been raised. This decision could be appealed by the holder of the licence if they do not believe this is appropriate or proportionate.
50. With regard to Options 6 and 7: The suspension or revocation of the licence would have an obvious impact on the livelihood of the licence holder. Members must be satisfied that such a decision is appropriate and proportionate for the promotion of the licensing objectives. This decision could be appealed by the licence holder if they do not believe it is proportionate or appropriate.

EVALUATION

51. The Committee should determine the application in accordance with section 52 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
 - a. The Prevention of Crime and Disorder
 - b. The Prevention of Public Nuisance
 - c. Public Safety
 - d. The Protection of Children from Harm
52. In making its decision, the Committee is also obliged to have regard to national guidance and the Council's own Statement of Licensing Policy.
53. The national guidance issued under the Act suggests authorities seek to establish the cause of concerns raised and determine the most appropriate course of action to promote the licensing objectives.

54. The Committee must have regard to all of the representations made and the evidence it hears.
55. The Committee have the option to take no action if they believe that the licence in its current form is appropriate for the promotion of the licensing objectives and that amendments would be disproportionate to the evidence heard.
56. Mr and Mrs Carr's application for review is based on the fact that they are disturbed by music noise from the Wight Rock Bar. They believe that the reason for this is that music travels up the shaft running between the two properties, with inadequate soundproofing having been provided by Mr and Mrs Newnham.
57. It should be noted that all except one of the letters attached as part of the application for review are from family of, or visitors to, Mr and Mrs Carr's property, who have all stated that they believe the music to be unreasonably loud from within Mr and Mrs Carr's property. The other letter is from a resident of the top floor of the Colonnade, who has stated that he works nights so most of the time is not at home when the Wight Rock is open, when he is at home he can hear the music. However, he has not stated whether the music causes him a nuisance.
58. Some of the issues raised by Mr and Mrs Carr in their application are matters that cannot be considered by the Committee when determining this matter. It is felt that issues around the drain, potential damp and ownership of the ventilation shaft are civil or private nuisance matters which cannot be addressed through the licensing process.
59. Mr and Mrs Carr have mentioned noise from the fan at the rear of the property. However, this has never been the subject of complaints previously and would be dealt with by Environmental Health under other legislation.
60. **With regard to Mr and Mrs Carr's further submission, it would appear that the noise previously escaping via the hole in the shaft has lessened, but they now believe that the noise appears to be carried by the structure of the building. Environmental Health has proposed conditions they feel should address Mr and Mrs Carr's concerns.**
61. Environmental Health has stated that they believe amendments to the licence are required, and have recommended that conditions 10 and 12 of the licence should be removed and replaced with those listed and included in Appendix C. In addition, the Licensing Authority has suggested that the Committee should consider imposing a condition relating to the requirement for a sound check prior to any live or recorded music.
62. There is a noise limiter in place at the premises, as required by the licence conditions, but the conditions do not require the limiter to have been set at a specified level. The proposed Environmental Health conditions will address this.

63. **Environmental Health has stated that, although the previous Committee determined to attach a condition that the level of music should be ‘barely audible’, that they believe the level to be achieved should be ‘inaudible’ within neighbouring properties. They have also stated that they believe the music noise is transferred through the building structure. They believe the ‘inaudible’ condition will uphold the licensing objectives, but without an acoustician’s report, are not convinced that any works planned by Mr and Mrs Newnham will achieve the limit set.**
64. **The Licensing Authority supports the conditions proposed by Environmental Health and has also suggested that the Committee may wish to attach a condition relating to the use of the rear passageway. The Committee may wish to seek clarification from Mr and Mrs Newnham as to the frequency of its use, before deciding whether a condition would be appropriate and proportionate to promote the licensing objectives.**
65. Whilst fire safety is important in upholding the licensing objective of public safety, the Committee will be aware that conditions cannot be attached to a licence where other legislative provisions are in place. Enforcement issues relating to fire safety should be dealt with under that legislation rather than the Licensing Act 2003. The fire officer, in his representation, offered advice to the licence holders in respect of the 1 hour fire barrier, but did not feel it necessary to close down the premises at that time. It is understood that the requirements have now been completed by the licence holders.
66. **As regards the use of the rear passageway, in respect of the photographs supplied by Mrs Carr relating to storage of bottles, the extent of the use by Mr and Mrs Newnham cannot be substantiated. A fire officer has confirmed verbally that he visited the site in the afternoon on Wednesday 26 June and did not find any evidence of bottles being left there. He also confirmed that the rear passageway is not a designated fire exit for patrons of the Wight Rock Bar, and that it would not prevent people escaping in the event of an emergency.**
67. With regard to the representation from Ryde Town Council, they have stated that they are in support of the review but have not been specific as to the reasons on which they have based their comments.
68. With regard to the representations in support of the review, Environmental Health believe that those which relate to noise from music being heard in the flats above the premises will be addressed by the conditions which they have recommended.
69. **Mrs Edmunds, who lives in the flat above the premises, has referred to bands practising in the afternoons. The Committee should be aware that this does not constitute regulated entertainment as it is not provided for the purposes of entertaining an audience and therefore is not a licensable activity. Any issues with nuisance arising from this activity would be dealt with by Environmental Health under other legislation.**
70. With regard to the representation from the management company, some of this has been redacted as it relates to personal information concerning civil matters

71. **With regard to the further representation submitted by Mr Frost on behalf of the management company, matters relating to the terms of the lease are civil in nature, and not for the Committee to consider. With regard to bands practising in the afternoons, as this is not in the presence of an audience it is not a licensable activity, but would be dealt with by Environmental Health under other legislation. Of concern is the allegation that the fire exit route has been ‘taken over’ by Mr and Mrs Newnham. This relates to public safety and could relate to public nuisance, and the Committee will wish to be assured that these licensing objectives are not undermined.**
72. In Mr and Mrs Newnham’s submission, they have included a photograph of a large hole in the wall on Mr and Mrs Carr’s side of the shaft, which may contribute to them being able to hear the music from the Wight Rock Bar. It is understood that the Carrs have since been instructed by the Building Control officer to fill the hole in.
73. **Much of the ‘additional statement’ Mr and Mrs Newnham have provided is not relevant for the Committee as it refers to a previous Councillor and also to planning matters. Some of the letters enclosed with their submission have also been removed following legal advice as they relate to matters unrelated to the licensing objectives and outside the control of the Committee.**
74. With regard to relevant representations received in support of the Wight Rock Bar these include the music being finished by a reasonable hour, usually 11pm, music being played at a reasonable level, the premises being well run with no trouble, inability to hear the music from outside the premises, the friendliness of the owners and the effectiveness of the security staff.
75. **Mr Deakin’s comments in support of the Wight Rock bar are generally repetitive of the comments he originally submitted.**
76. If the Committee are satisfied that modifications to the licence are appropriate, they must consider the impact of such amendments and be satisfied that these changes will achieve the outcome intended.
77. The applicant has suggested that the music element of the licence should be suspended. Although the Committee can consider suspension of the licence for a specified period not exceeding 3 months, the legislation does not appear to provide for individual licensable activities to be suspended. In addition, none of the responsible authorities have recommended suspension of the licence.
78. The Committee have the option to revoke the licence, but they must be satisfied that any other measures would be insufficient for the promotion of the licensing objectives and that this is a proportionate action.
79. The Committee also have the option to remove the Designated Premises Supervisor (DPS). None of the responsible authorities have stated that they believe revocation of the licence or removal of the DPS is required.

RECOMMENDATION

80. It is recommended that the Committee modify the conditions of the premises licence as recommended by Environmental Health's original representation (Appendix C) and supported by the Licensing Authority as follows:

- (i) ***During the provision of live and/or recorded music the noise, including any DJ announcements shall be contained within the premises, or be at a limit which will be inaudible* within the neighbouring or adjoining residential premises.***

****please note that the condition requires the level to be 'inaudible', not 'barely audible' as was imposed by committee at the hearing on 21 February 2013.***

- (ii) ***A copy of all public nuisance complaints received shall be recorded in a log book containing the time of the complaint, date of the complaint, the complainant's name and address (where provided) along with the action taken by the licence holder to deal with the complaint including the date and time of actions completed. The log book shall at all times be available for inspection by an authorised officer of the licensing authority and in any event within 24 hours of a request.***

APPENDICES ATTACHED

- Appendix A - Application for review under section 51 of the Licensing Act 2003 and additional submission from the applicant.
- Appendix B - Copy of current premises licence.
- Appendix C - Representations received from responsible authorities.
- Appendix D - Representations received from other persons in support of the review application.
- Appendix E - Representations received from other persons in support of the Wight Rock Bar.
- Appendix F - Written submission from the licence holders Mr and Mrs Newnham.
- Appendix G - Information supplied by the Building Control Officer.
- Appendix H - Late Evidence considered by the Committee at the previous hearing.**
- Appendix I - Letter to Magistrates Court regarding appeal.**
- Appendix J - Further submissions from Mr and Mrs Carr (applicants for review)**
- Appendix K - Further submission from Environmental Health.**
- Appendix L - Further submission from the Licensing Authority.**
- Appendix M - Further submission from the Fire Officer.**
- Appendix N - Further submission from other persons in support of the**

- Appendix I - Letter to Magistrates Court regarding appeal.**
- Appendix J - Further submissions from Mr and Mrs Carr (applicants for review)**
- Appendix K - Further submission from Environmental Health.**
- Appendix L - Further submission from the Licensing Authority.**
- Appendix M - Further submission from the Fire Officer.**
- Appendix N - Further submission from other persons in support of the review.**
- Appendix O - Further submission from Mr and Mrs Newnham.**
- Appendix P - Further submission from other persons in support of the Wight Rock Bar.**
- Appendix Q - Further information from the Building Control officer.**

BACKGROUND PAPERS

Isle of Wight Council Licensing Authority Statement of Licensing Policy 2011 – 2014.
<http://www.iwight.com/azservices/documents/1941-LICENSING-POLICY-2011-2014.pdf>

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APPENDIX A

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I MRS. JACQUELINE K. CARR

(Insert name of applicant)

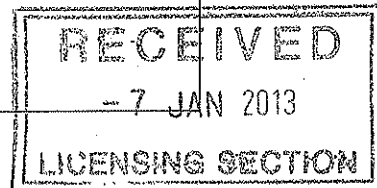
apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>THE WIGHT ROCK BAR</u> <u>THE COLONNADE,</u> <u>LIND STREET</u> <u>RYDE,</u> <u>ISLE OF WIGHT</u>	
Post town <u>RYDE</u>	Post code (if known) <u>PO33 2NE</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>MR. SHAUN ADRIAN NEWNHAM</u> + <u>MRS. DEBORAH MARGARET NEWNHAM</u>
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Number of premises licence or club premises certificate (if known) <u>1W 033009</u>
--



Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☒
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☐

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☒

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

CARR

First names

JACQUELINE KAY

I am 18 years old or over

Please tick yes



Current postal
address if
different from
premises
address

RYDE,
ISLE OF WIGHT

Post town

RYDE

Post Code

Daytime contact telephone number

01983

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

MR. DAVID WILLIAM CARR

RYDE,
ISLE OF WIGHT

Telephone number (if any)

01983

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

PUBLIC NUISANCE:

Loud music escaping from The Wight Rock Bar into our property, and others. Owners will not take effective remedial action.

PUBLIC SAFETY:

Breaching of 1 hour Fire Barrier.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please see separately.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

07-01-13

Capacity

(APPLICANTS)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

RYDE,
ISLE OF WIGHT

Post town

RYDE

Post Code

PO33

Telephone number (if any)

01983

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

(Please use either means of correspondence)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

[REDACTED]
Ryde,

Isle of Wight

PO33 [REDACTED]

1 - 1 - 2013

To whom it may concern:

I have lodged at the above address since 1st June 2011. and counted myself very fortunate to have found a lovely place close to all amenities. However much to my chagrin and horror I didn't expect to be reminded in the middle of the night of my youth by reverberations of guitar rifts and heavy drum roles pulsating through the house and outside my window at the other end of the house.

Also I have had to buy earplugs to try and sleep in the small bed room when my family stays. Though sleep is impossible and I generally have to read into the ungodly hours of the morning to preserve my sanity.

I am an Islander and understand the importance of facilitating Youthful enterprises. However venues must be suitable and properly insulated with greater time restrictions which this club clearly does not comply.

Yours truly


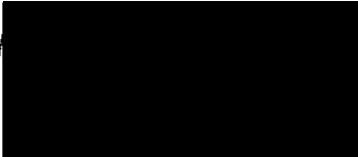
[REDACTED]
Helene Allen

TO WHOM IT MAY CONCERN

I LIVE ON THE TOP FLOOR FLAT ABOVE NIGHT
ROCK BAR.

I WORK NIGHTS SO MOST OF THE TIME I AM NOT
IN WHEN THE CLUB IS OPEN.

BUT WHEN I HAVE THE ODD FRIDAY, SATURDAY NIGHT
OFF AND I CAN HEAR THE MUSIC


T. BETTERIDGE 

To Whom it May Concern

I have visited my friends at [REDACTED] Ryde, on many occasions over the last few years. When these visits have coincided with one of the Live Music performances at The Wight Rock Bar, I have been astonished at the overwhelming noise which pounds through the walls of No1, and which throbs all over the neighbourhood out of the powerful extractor fan at the back of The Cellar. It is impossible to "escape" the noise. Even at the other end of the house, some considerable distance from the stage at Wight Rock Bar, the drums can be clearly heard. The bedrooms which adjoin the shaft are impossible to use until after the music stops – and this can sometimes be 2am, as on Dec22nd. It must be very loud higher up the shaft, where several windows of the flats in The Colonnade are situated. I feel that the situation should not be allowed to continue.

David J. Johnson, B.Ed..

Tel: [REDACTED]
[REDACTED]

Jamie Carr Statement

From: Jamie Carr [REDACTED]

Sent: 29 December 2012 20:50:02

To: Jackie Carr [REDACTED]

To whom it concerns,

I make this statement in support of my parents application to review the license given the club known as 'Wight Rock'.

I regularly visit my parents property at [REDACTED] and have for the last 6 years been aware of the loud music emanating through the south wall of the building. The music is at its loudest on Friday and Saturday evenings; either when the club is most busy or when live music is being performed.

I visited my parents at [REDACTED] from 21st December 2012 for a period of 7 days. During my stay I slept in a converted bedroom on the second floor of the property. The bedroom is located at the building's north side. On the evening of 22nd December I was kept awake until after 02:00 by loud music being played by the club. The bass was sufficient to make the windows 'sound' and vibrate the room. The music made getting to sleep impossible. The music ceased at some point between 02:00 and 02:30.

Wight Rock is situated next door to the property, to the south. My bedroom was situated no less than 10 metres from the adjoining wall and for the room to shake as it did I find quite alarming.

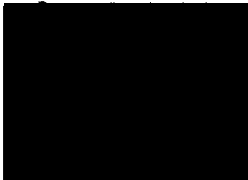
I will happily provide further information or further clarify this statement.

Kind regards,

Jamie Carr

--
Jamie Carr [REDACTED]

Jamie E. Carr BA.,LLB..





02 January 2013

To Whom It May Concern:

I have stayed at [REDACTED] Street on several Occasions and have been unable to go to sleep until after 11.00.Pm due to the noise coming from White Rock.

Yours sincerely,

Barbara Suttie (Mrs)

01:01:13

To whom it may concern,

I have been continually disturbed (3 or 4 evenings/nights a week) by noise from the Wight Rock bar, during their live music performances, over the last six years. During warm weather, I am forced to either sleep with my window closed when Wight Rock plays their live music (because the noise coming from the bar is very loud) or, I simply cannot sleep! This is particularly upsetting when Wight Rock play their music beyond 11 o'clock (up to 2 AM). Even with my window closed, the live music vibrates through the walls of the house. I find this most alarming, upsetting, and unacceptable. I find it very hard to understand how Wight Rock ever got permission that has resulted in them causing so much unacceptable noise pollution in our house.

Peter Carr

[REDACTED]

Ryde,

I.W..

PO33 [REDACTED]

From: Katherine Carr [REDACTED]

Sent: 30 December 2012 21:21:07

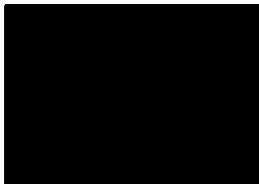
To: Jackie Carr [REDACTED]

To Whom it May Concern

I have returned home to [REDACTED], Ryde, many times over the last few years, and have lost count of the number of disturbed evenings I have experienced in the house due to the live music being played at Wight Rock. Every time live music is played, there is absolutely no chance of sleep in the house until they have finished: sometimes not until 2am. It is very annoying.

I don't know how I would cope if I lived in the house permanently: you are forced to only one end of the property to get any peace from the deep, repetitive noise.

Katherine Carr



Sent from my iPhone

Remedies

The owners of The Wight Rock Bar should permanently remove the extractor fan, and soundproof the whole of their hatch area. In addition to the noise nuisance, we are puzzled as to how they have been allowed to breach the 1 hour Fire Barrier (Fire Doors) by installing this fan in the same door opening.

In order to maintain the drain, they need to enable access to it without damaging their soundproofing.

Their Fire doors need to be rehung to open inwards, as shown on the Licensing Plan, instead of swinging open over our property. This would enable us to install extra soundproofing measures (not sandbags) if this should prove necessary, within our shaft.

The powerful fan in the rear exit area should have an effective attenuator fitted. (We have been advised by I.A.C., of Moorside Rd., Winchester, SO23 7US, that this would cost between £200 and £300)

Thus, we feel that the Live Music Licence (IW 033009) of The Wight Rock Bar should be suspended until full, and effective soundproofing measures have been implemented.

Request for information Reference : iw12/11/46869

Call from Mrs Carr at 2045hrs. Arrived at 21:35. Noise heard from live band in hall way. A 1st and 2nd floor bedrooms and a snooker room. At a level that would be sleep disturbing and affect use of room for watching TV, studying, rest and relaxation. Appeared to be a live band. Stopped 22:15 - male singer 70s rock type music "boys are back in town". Started 22:30 female singer. IP said noise coming out of hatch and up a void between there property and the builder which Wightrock bar is basement for. Went into Wight rock. Spoke to Mrs Newman. Explained what we had heard. She said opening was a hatch and this was double doored. Covering behind band so not able to see if hatch door open. Told Mrs Newman we would phone her next week to meet her during the day. Further evidenced required to prove frequency of these event unreasonable. Told IP to keep logs and return them.

14 day log



ISLE OF WIGHT COUNCIL

Diary log sheet to evaluate noise nuisance

Complainant Name: [REDACTED]

Complainant Address: [REDACTED] Ryde, Isle Of Wight, PO33 [REDACTED]

Request for Assistance No: 048952/JH1 Date received: 5 March 2012

(Please quote in all correspondence)

Address/location of where noise originates The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NE

Name of occupier if known: The Wight Rock Bar

Date/Time Noise Occurs (eg 2/4/97 02:00am)	Where Noise Heard (eg Bedroom)	Description of Noise & Duration (eg Rock Music from 12:00 to 02:00am/extractor fan continuous)	Affect upon you (eg Sleeplessness)
14-3-12	Whole house, but esp. southern half	Heavy rock music 8.30 - 10.55	Unable to live "freely" in home. Stress + anxiety. Cannot escape noise.
15-3-12	"	" 8.30 - 11.08	"
16-3-12	"	" 8.30 - 11	"
21-3-12	"	" 8.20 - 11	"
22-3-12	"	" 8.30 - 11	"
23-3-12	"	" 8.40 - 11	"
24-3-12	"	" 8.50 - 10.55	"
25-3-12	"	" 8.45 - 11	"
28-3-12	"	" 8.25 - 10.50	"

I the undersigned confirm that the above information is a true record and agree to provide evidence in court / licensing sub committee should it prove necessary.

Signed: [REDACTED]

Date: 29-3-12

4866



**ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION SECTION
MEMORANDUM**

Your Ref: pel/letters.stn/enhealth.mem

Our Ref: 012218/WGB

Date: 2 December 2004

To: Helen Frecknall, Administrative Assistant, Licensing Section, Environmental Health, St Nicholas

From: William Berry, Environmental Health Officer (Fax 529804)

Subject: Local Government (Miscellaneous Provisions) Act 1982

Renewal of Public Entertainment Licence

Wight Rock Bar, 4 The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NE

This Section is concerned about the potential for noise disturbance to occur to neighbouring residential premises, and would therefore strongly recommend that the license be **refused**. This is due to the fact that this Section has had to take enforcement action in the past in respect of noise from commercial use of the premises.

Before this Section could recommend the issue of a license, we will need to be satisfied that noise control measures will be sufficiently rigorous to prevent disturbance to neighbouring residential premises. The standard to be achieved will be that noise from within the premises will be **inaudible** within any residential premises in the same building, and **barely audible** at a distance 1 m. from the façade of any other nearby noise-sensitive building.

The information required will be in the form of a report from a reputable noise consultant with previous experience of this type of problem. The report should show, inter alia:

1. anticipated noise levels within the proposed entertainment areas;
2. details of noise attenuation measures, including measures to prevent noise break-out through ventilation openings, measure to minimise flanking noise transmission, and details of noise from air-conditioning equipment;
3. identity and locations of all relevant sensitive neighbouring premises;
4. calculations demonstrating that the resultant noise levels will meet the inaudibility criteria referred to above.

Information to the Applicant

To assist you in meeting the above the advice of a reputable noise consultant may be sought. Suitably qualified consultants may be contacted via The Association of Noise Consultants, 6 Trap Road, Guilden Morden, Nr Royston, Herts. SG8 OJE Tel 01763 852958.

Advice concerning minimum ventilation requirements can be found in the following publications, available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS Tel 01787 881165, website: www.hsebooks.co.uk:

HSG202 - "General Ventilation in the Workplace"

EH22 - "Ventilation of the workplace"

Bill Berry
Environmental Health Officer

FLATS
ABOVE

REAR
EXIT
OF
WIGHT
ROCK
BAR

FAN

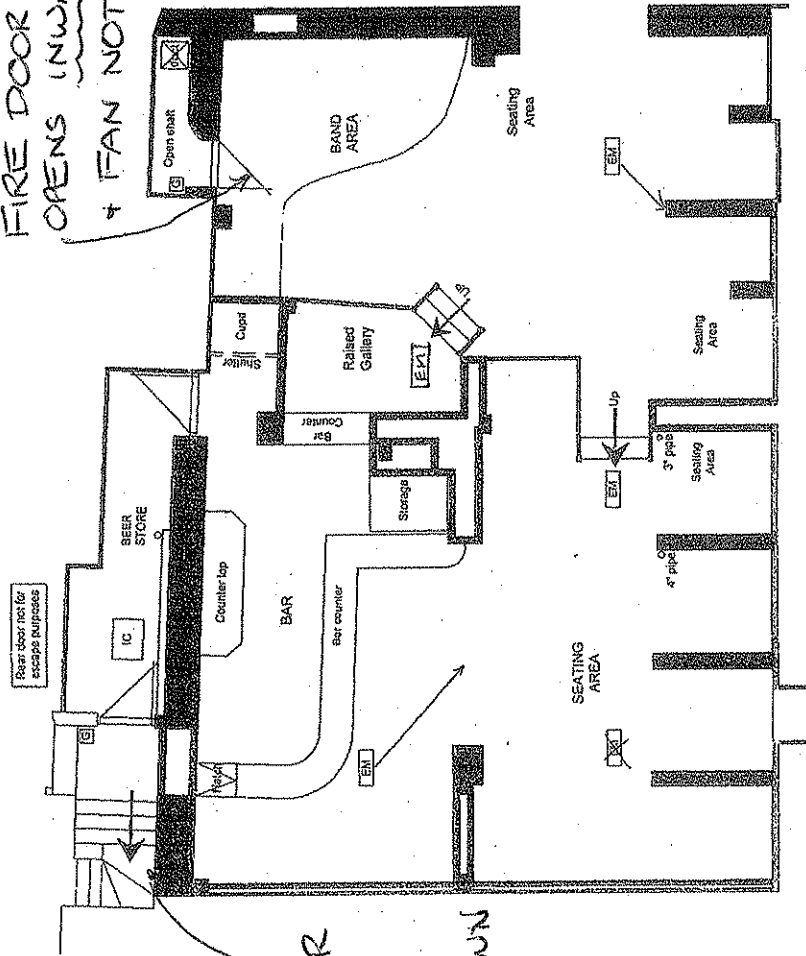
NOTES.

1. All levels and dimensions to be checked on site before work starts.
2. All work to be done in accordance with the Building Regulations and the relevant standards.
3. All work to be done in accordance with the relevant standards.
4. All work to be done in accordance with the relevant standards.
5. All work to be done in accordance with the relevant standards.
6. All work to be done in accordance with the relevant standards.

THIS DRAWING IS THE PROPERTY OF CAD delta AND REMAINS THE PROPERTY OF CAD delta

FIRE DOOR OPENS INWARDS
FAN NOT SHOWN

REAR FAN NOT SHOWN



Rev D. May 03 Amended as built

CAD delta
Architectural Services Ltd
Mill Court, Furness
Newport, Isle of Wight, PO30 2AA

Project: Proposed internal alterations, "The Wight Dock Bar", The colonnade

Lind Street, Ryde

Client: Mr & Mrs S. Newnham

As Built
Architectural Services

New-build, Extensions, Conversions
Site Supervision, Domestic & Commercial Projects
A fully qualified subsidiary of CAD delta Construction Ltd

004866

Frecknall, Helen

From: Durham, Kate
 Sent: 24 December 2004 10:14
 To: Frecknall, Helen
 Subject: Updated B1207

MEMORANDUM

ISLE OF WIGHT FIRE AND RESCUE SERVICE
 DEPARTMENT

FIRE SAFETY

Date: 24 December 2004

Ref: SRM/B1207/JT/KD

To: Mr J Murphy
 Senior Licensing Officer

From: Sub Officer J Trout
 Fire Safety Officer

Local Government (Miscellaneous Provisions) Act 1982

Public Entertainment Licence

The Wight Rock Bar, The Cellar, The Colonnade, Lind Street, Ryde, Isle of Wight

Further to receipt of Notice of Application and recent inspection, with reference to the above, I would confirm that the Isle of Wight Council as Fire Authority will raise no objection to the grant of a Public Entertainment licence, in respect of the above premises, subject to:

1. Complete the installation of ½ hour fire resisting self-closing doors and 1 hour fire resistance to the shaft in the bar area.
2. Complete and commission the fire alarm system to comply with BS 5839: Part 1: 2002.
3. Completion and commissioning of the emergency escape lighting to comply with BS 5266: Part 1: 1999 is required
4. Provision of suitable and sufficient firefighting equipment.

All portable firefighting equipment to be secured in position by means of a suitable wall bracket.

A routine system of maintenance of firefighting equipment should be performed as recommended in BS 5306:Part 3:1985.

5. The external gate leading onto St Thomas Street to be securely held open whilst the premises are open to the public.
6. Provide and maintain records of the weekly test of the fire-warning system; monthly test of the emergency lighting; twice yearly staff instruction and drill and yearly maintenance and test of the fire fighting equipment.

Maximum Permitted Numbers

Having regard to floor area, exit facilities, proposed layout and other relevant factors, the recommended maximum density of occupation should not exceed

60 persons

The recommended standards are based on the 'Guide to Fire Precautions in Existing Places of Entertainment and Like Premises'.

04/01/2005

Additional information and evidence.

Between The Wight Rock "Cellar" and our house, [REDACTED] there is a ventilation shaft, which runs vertically from the Cellar floor level up to roof height. It is about 8ft x 2ft across, and about 30ft high, and is of brick.

Presumably this shaft was created in 1870, when [REDACTED] was build hard up against The Colonnade, and "trapped" an entrance to The Cellar. The doorway to this entrance measures about 3.5ft x 5ft high, and today has wooden fire doors, and a ventilation fan.

The stage where the Rock Bands play in The Wight Rock Bar, backs onto these same wooden doors and fan.

We note from the Environmental Health memorandum sheet "4866" (see enclosed) that two conditions of licence for "acceptable sound level" are:-

- 1) The standard to be achieved will be that noise from within the premises will be inaudible within any residential premises in the same building...
- 2) ...and barely audible at a distance 1m from the façade of any other nearby noise-sensitive building.

The meeting of these conditions was to have been verified by appropriate sound-testing, by a reputable sound consultant.

Our Solicitor (Mr Price, of Wilks, Price Hounslow), has requested copies of the results of these sound tests, from the owners of The Wight Rock Bar, but they have not been forthcoming.

We have been told by a representative of the L.W. Licensing Department, that it is possible that the Wight Rock Bar Licensing Application "slipped through a loophole" back in 2004/5: due to pressure of new legislation, and staff shortages. We question whether the sound testing was ever comprehensively carried out.

Mr Price identifies that we constitute "part of the same building", as we share party walls, either side of the shaft. Be that as it may, even if we are considered a "separate noise-sensitive building", our property is less than 1m away from the major noise source.

N.B. We have established with The Land Registry, and with a local Solicitor, that the brick shaft constitutes part of our property.

We have never been able to understand how so much noise has been allowed to escape into our house from Wight Rock. Every single time there is a Live Band performance, we get the same noise nuisance. This means we have had intrusive disturbance in excess of **1170 occasions** during the last 6-7 years.

We put up with it over these years, as until recently, we had not realized the cause, and had thought that, being in the town centre, one had to endure excessive noise. We now can see, having discovered the existence of the shaft, that it is a problem which could be simply, and cheaply rectified.

The owners of Wight Rock have always refused point blank, to come and listen to the extent of the noise within our house. They also refused to install any soundproofing, until May 2012, when they offered to remove the fan altogether, and install soundproofing over the door area "budget permitting".

However, this has not materialized, even though it would only take an hour or so to remove the fan, and block the hole.

We also want to bring to the attention of the Review the existence of another large, unattenuated extractor fan, situated by the rear exit of Wight Rock. (see photos) Very loud noise emanates from this fan during Live Performances, and permeates the entire locality (see witness statements).

Further Evidence

You will note that we include only one "visit report" from Environmental Health Officers. This is because, following this report, and subsequent "14 day noise log" which we were told to keep, the owners of Wight Rock were visited by Environmental Health, and subsequently promised to cooperate by installing soundproofing, as mentioned above.

The offer was accepted by Environmental Health, so we waited, in expectation, assuming that eventually the Council would force the work to be done.

The months passed, but nothing happened. We kept in touch with all parties throughout.

The Environmental Health officers did not operate the "Call Out" service over the Summer, but this did not worry us, as it had not been explained to us that that we were expected to request a "Call Out" absolutely every time there was noise nuisance.

In the Autumn, we were told by Environmental Health that they had no powers to "speed up" works, or even force implementation.

We were advised to continue down the "Statutory Nuisance" path, by starting to call for noise inspections again.

However, at this point, we were so desperate that we offered to carry out works ourselves. We made a temporary hatch through the wall of our house, and tried to soundproof by using sandbags in a metal frame. We had to modify our original plans, as when we actually broke through to the hatch, its dimensions varied from what we had anticipated.

But, this whole idea has proved much more difficult than expected, for a number of reasons:-

1. DRAIN

A considerable quantity of rainwater comes down into the shaft, mainly via a gutter downpipe. The drain hole serving this downpipe is sited within the threshold of the door hatch into Wight Rock. (see photo). Unfortunately, this drain needs to be kept serviced by The Colonnade, via the Wight Rock door hatch.

This would be fine, except that to gain access to this drain, the outward opening hatch door has to be fully opened, which entails its full 2'6" width having to sweep right across the shaft.

Thus, no soundproofing/ sandbags can be put in front of it, in any part of the shaft.

If the fire door opened inwards, as it is shown to do on the Licence Plan (see plan enclosed) this would not be a problem.

The owners of Wight Rock will only accept us installing soundproofing if we accept responsibility for the drain.

2. POTENTIAL DAMP

The Wight Rock owners will only accept our soundproofing if we leave a gap against their wall.

The Building Inspector thus recommended we leave a gap of 6-8" between any soundproofing and their wall, to avoid any future problems, where we could be accused of causing damp. This large gap rendered any soundproofing measures totally ineffective, as the sound waves have an easy escape route.

3. MAINTENANCE

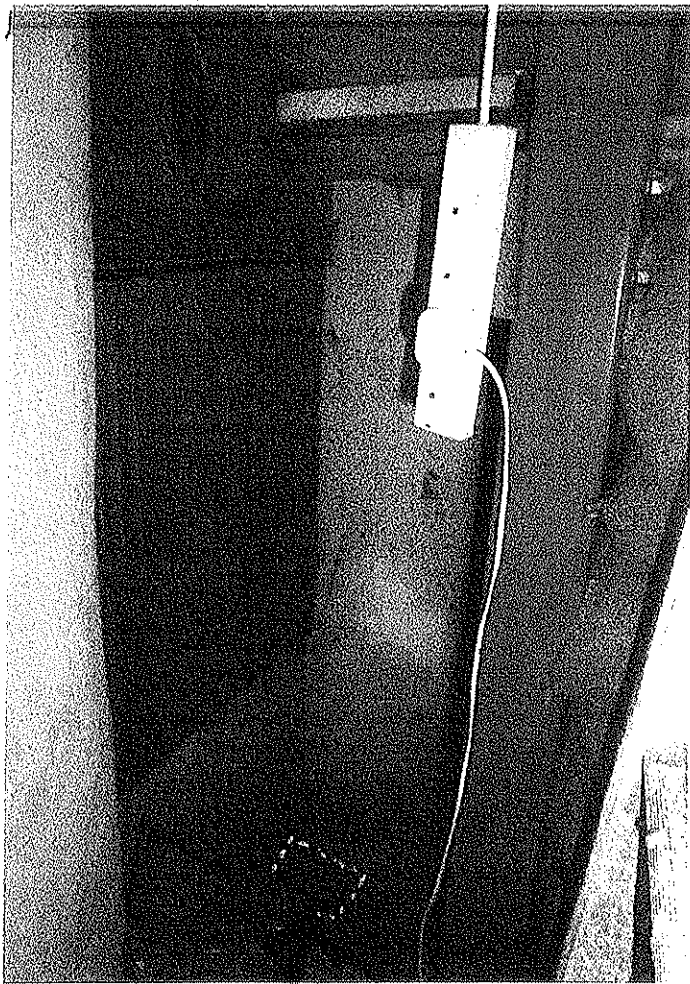
The Building Inspector did not think it wise to make our access hatch permanent, but it seemed apparent to us that any soundproofing we installed could not just be left: it would require periodic maintenance from our side. Particularly as it is such a wet area, with rain ingress, and the downpipe.

4. FASTENINGS

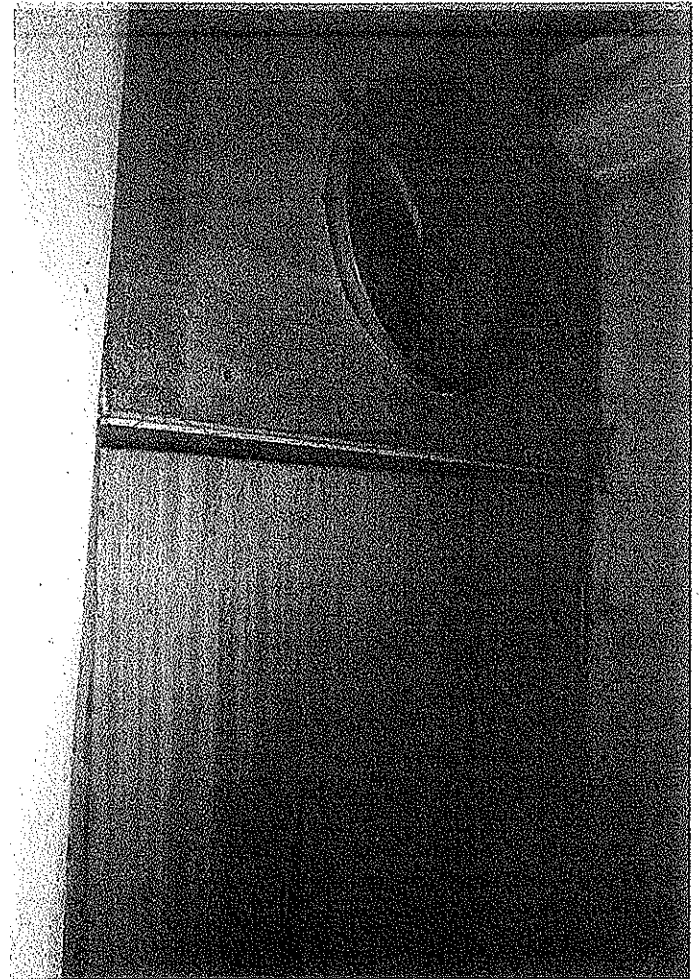
Any soundproofing measures we took must not include any fastenings (screws, glue, bolts) to the wall of a Listed Building. This would present a great deal of practical difficulty.

5. SANDBAGS

These proved unsuitable. The sacking started to rot in less than 5 weeks. Thus, we were forced to remove them all.



DRAIN



FIRE DOOR
WITH FAN
CUT THROUGH!

Is this not a
FIRE HAZARD?

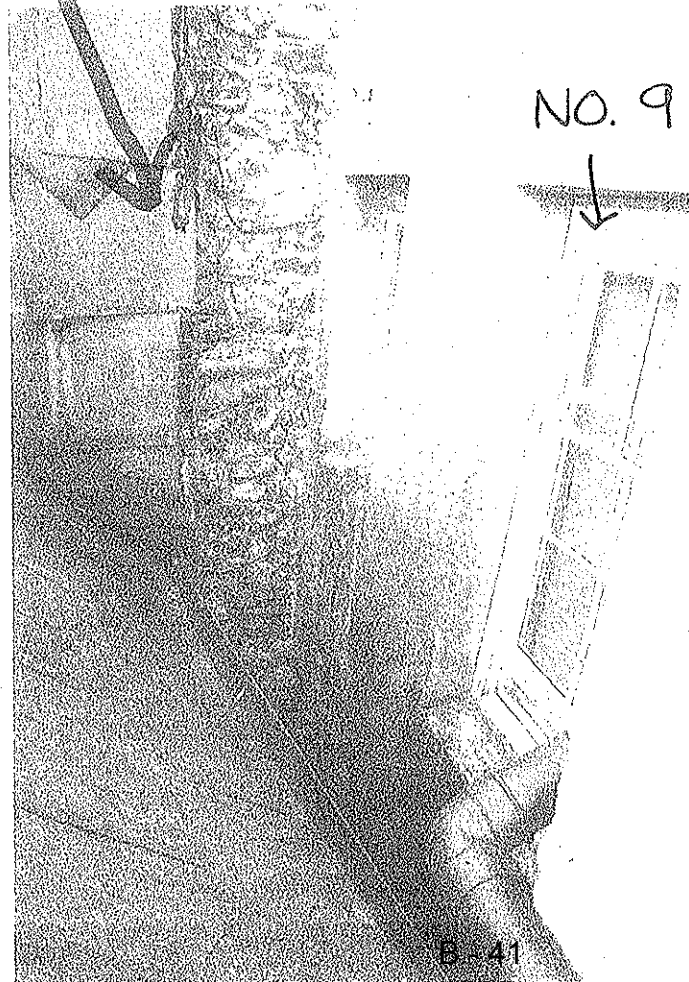
AT THE BASE OF THE SHAFT.

WINDOWS OF FLATS OF THE COLONNADE, IMMEDIATELY ABOVE THE SHAFT

THE LADY TEACHER
WHO LIVED IN FLAT 9
UNTIL RECENTLY, SAID
THE NOISE OF LIVE
MUSIC WAS RIDICULOUS!



VIEW DOWN TO BASE OF SHAFT



New Information that we have been given by the Licensing Department

The Isle of Wight Council Licensing Department have told us that the Wight Rock Bar Live Music Licence was issued without any acoustic tests being carried out.

They have told us that this was due to a "Licensing Loophole" at the time.

This means that there were no acoustic checks carried out to determine the efficacy of the ceiling soundproofing at the Wight Rock Bar, nor to check noise leakage out of the extractor fans.

The ceiling soundproofing was installed as a D.I.Y. job by the owners, but we have been told that it was never checked by the I.W. Council at any stage during the installation.

As far as we know, there exist no photographs taken of the various stages of this installation, nor record of any receipts for materials installed.

In the case of the extractor fans, there are no attenuation measures taken.

We were also told by Licensing that the original soundproofing requirements stipulated by Environmental Protection, which seem to have been overlooked when the Licence was granted, still apply.

We have today received a Fire Safety Inspection report from the I.W. Fire & Rescue Service, carried out at Wight Rock on 28:01:13. The inspector identified the extractor fan within the shaft as breaching the 1 hour Fire Resistance barrier required when the original Licence was issued. The owners have been told to fit a 1 hour intumescent damper within the ventilation unit, to ensure that the required fire separation is maintained.

Until this situation is addressed, the House Insurance of both our property, and that of The Colonnade, is compromised.

We enclose a copy of the e-mailed Fire safety report.

There are two questions we would like to raise.

1. How urgent is this problem?
2. Why was this Fire Hazard not picked up at their previous audit? It seems surprising to us that the Fire Safety Department have not asked this question themselves.

Witness Statements

We enclose Witness Statements from the tenant at Flat 9, The Colonnade, and also from the owner, who lived there for a while.

Flat 9 is on the first floor of The Colonnade, directly above Wight Rock (you may have already read one, of both, of these statements).

Mr & Mrs D.W. Carr

[REDACTED]
Ryde,

Isle of Wight,

PO33 [REDACTED]

Tel: 01983 [REDACTED]

e-mail: [REDACTED]

Premises Licence Number:

IW 033009

Mr Shaun Adrian Newnham &
Mrs Deborah Margaret Newnham

The Wight Rock Bar

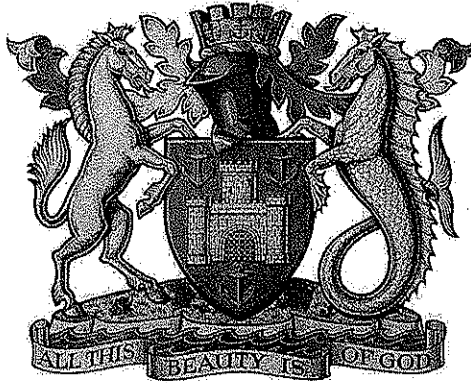
The Colonnade
Lind Street
Ryde
Isle Of Wight
PO33 2NE

Licensable Activities Authorised By This Licence

Live Music (Inside)	Monday to Saturday 10:30hrs until 23:00hrs Sunday 12:00hrs until 23:00hrs
Recorded Music (Inside)	Monday to Thursday 10:30hrs until 23:00hrs Friday & Saturday 10:30hrs until 00:30hrs Sunday 12:00hrs until 23:00hrs Friday, Saturday & Sunday of each Bank Holiday Weekend; All Public holidays; Good Friday; Christmas Eve; New Years Eve and 'Special Events' 10:00hrs until 00:30hrs
Performances of Dance (Inside)	Monday to Saturday 10:30hrs until 23:00hrs Sunday 12:00hrs until 22:30hrs
Provision of Facilities For:	
Making Music (Inside)	Monday to Saturday 10:30hrs until 23:00hrs Sunday 12:00hrs until 22:30hrs
Dancing (Inside)	Monday to Saturday 10:30hrs until 23:00hrs Sunday 12:00hrs until 22:30hrs
Supply of Alcohol	Sunday to Thursday 10:00hrs until 23:00hrs Friday & Saturday 10:00hrs until 00:30hrs Friday, Saturday & Sunday of each Bank Holiday Weekend; All Public holidays; Good Friday; Christmas Eve; New Years Eve and 'Special Events' 10:00hrs until 00:30hrs
Opening Hours of Premises	Sunday to Thursday 10:00hrs until 23:30hrs Friday & Saturday 10:00hrs until 01:00hrs Friday, Saturday & Sunday of each Bank Holiday Weekend; All Public holidays; Good Friday; Christmas Eve; New Years Eve and 'Special Events' 09:00hrs until 01:00hrs

**This licence authorises the supply of alcohol for consumption on
and off the premises**

Isle of Wight Council



Licensing Act 2003

Premises Licence Part A

Part 2

Name, address and telephone number of holder of premises licence

Mr Shaun Newnham & Mrs Deborah Newnham
[REDACTED]

Registered number of holder

N/A

**Name, address and telephone number of Designated Premises
Supervisor**

Shaun Adrian Newnham, [REDACTED]

**Personal Licence Number and issuing authority of personal licence held
by designated premises supervisor**

IW 009660
Isle of Wight Council

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Annex 1

Mandatory Conditions

(Where the Premises Licence authorises the supply of alcohol)

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - i) the outcome of a race, competition or other event process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Where the Premises Licence authorises the exhibition of films)

6. Admission of children to the exhibition of any film is to be restricted in accordance with Section 20.

(Where the Premises Licence includes a condition that door supervisors must be used)

7. All security personnel must be licensed by the Security Industry Authority.

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 033009

Annex 2

Conditions consistent with the operating Schedule

1. The maximum number of persons on the whole premise at any time shall not exceed: 60 (sixty) persons.
2. A CCTV and recording system shall be installed at the premise which provides coverage of both the interior and exterior of the premises.
3. The 'challenge 21 policy' shall be adopted, so that no person appearing to be under the age of 21 years shall be sold alcohol unless he or she provides suitable photographic identification that he or she is aged over 18 years.
4. Signage conveying the clear message that the 'challenge 21 policy' is in place shall prominently be displayed.
5. A written record shall be made and kept in an incident log of every refusal by the licence holder or staff member to serve any person who is drunk or appears to be under the age of 18 years.
6. All staff involved in the sale of alcohol shall be trained as to their responsibilities under the Licensing Act 2003 in relation to the sale of alcohol to drunk persons or persons under the age of eighteen years. Written records of such training shall be kept and made available to a police officer or relevant officer of the local authority upon request.
7. The Designated Premises Supervisor or his/her nominated deputy shall be present on the premises whenever licensable activities are taking place and persons under the age of 18 years are present.
8. Persons under the age of 16 years shall be accompanied by an adult aged 21 years or over. No more than two children to one adult.
9. No person under the age of 18 years shall be permitted to remain on the premises after 23:30hrs.

10. Prior to any live or recorded music taking place at the premise, an electronic sound limiter shall be installed in the premise to control the level of noise breakout.
11. The pavement lights shall be sealed to prevent noise breakout.
12. Sound proofing works shall be completed prior to the performance of any live or recorded music to include:
 - a. Installation in ceiling voids to a minimum 200mm of RW3 Rockwell acoustic material together with sound-deadening membrane and two layers of 12.5mm fireline plasterboard which shall be fixed to a system of sound dissipating resilient bars.
 - b. Suspended acoustic tiling
 - c. The entrance to the premise shall be lobbied with a pair of solid oak entrance doors on entrance point of entry to the lobby.
 - d. A sound deadening curtain shall be installed to the rear of the stage area.
13. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and the area quietly.

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 033009

Annex 3
Conditions attached after a hearing by the licensing authority

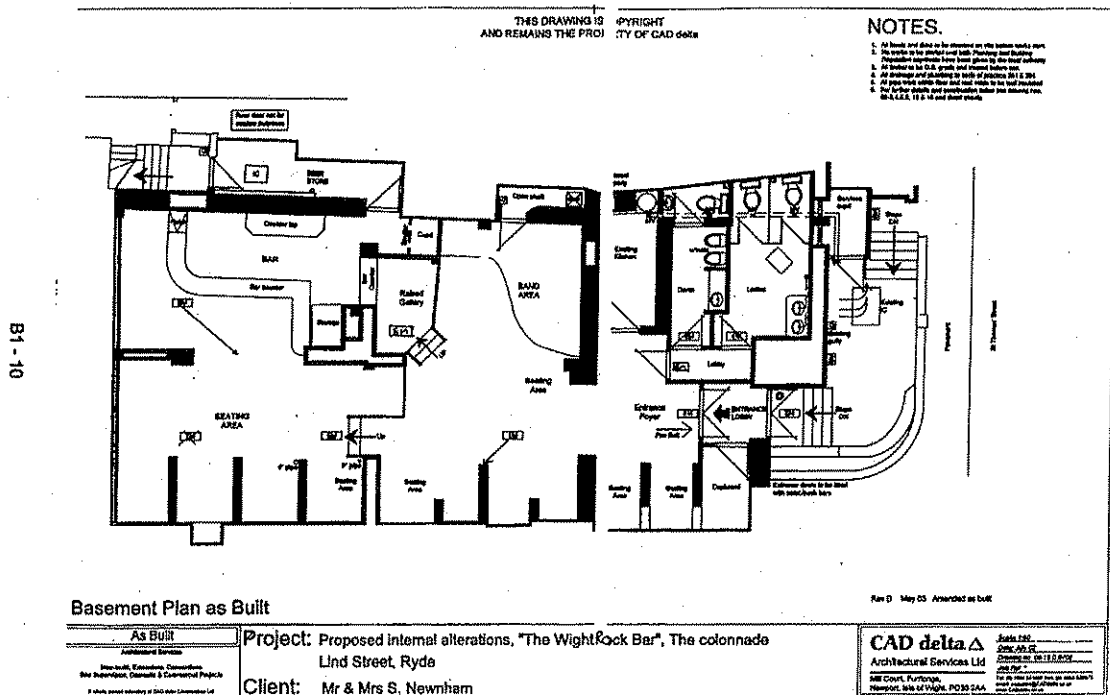
N/A

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 033009

Annex 4 Plans



To	Sarah MacDonald, Licensing Officer
From	Claire Whitchurch, Health Protection Officer
Telephone	6127
Email	claire.whitchurch@iow.gov.uk
Date	01 February 2013
Subject	Licensing Act 2003 ("The Act") Application for a review of Premises Licence The Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NE

Memo

By virtue of Section 13 (4)(c) and 13 (4)(e), Environmental Health is a responsible authority and may make representations to the Licensing Authority over applications for a review of Premises Licences.

Background.

Department records show that complainants of noise have been received in relation to the premises, these are:

In 2004 the Wight Rock Bar applied under the previous licensing regime for a Public Entertainment Licence (PEL). At this time Environmental Health opposed the grant of the licence on grounds of noise, the application was therefore determined by the Licensing Sub-Committee, at which time the committee were satisfied with noise control measures proposed by the applicant and granted the licence, subject to the following conditions:

- a) The Council's standard terms and conditions
- b) Approval of works indicated by the Council's Building Control Department
- c) An acoustic consultant's report being obtained and any works to be carried out to the satisfaction of the Council's Environmental Health Department*
- d) All works being implemented, as stipulated by the Isle of Wight Fire and Rescue service.

*this report should show, inter alia:

- 1) Anticipated noise levels within the proposed entertainment areas
- 2) Details of noise attenuation measures to prevent noise break-out through ventilation openings, measures to minimise flanking noise transmission, and details of noise from air-conditioning equipment.
- 3) Identity and locations of all relevant sensitive neighbouring premises; calculations demonstrating that the resultant noise levels will meet inaudibility criteria referred to above.

In 2005 the Licensing Act 2003 replaced the Local Government (Miscellaneous Provisions) Act 1982 for the licensing of entertainment, and the applicant converted and varied their Public Entertainment Licence into a Premises Licence under the new Act. At the time of application Environmental Health did not comment.

In July 2007 a noise complaint was received from a resident of The Colonnade (above Wight Rock) (Not the applicant for this review). In line with our procedures log sheets were sent to the complainant requesting further details of the disturbance. These were not returned and therefore no further investigative action took place.

In May 2008 the same complainant contacted the department, and again no further information was supplied and therefore this department did not take any further action.

In November 2009 the same complainant of The Colonnade made a further noise complaint. Further information was received and as such officers carried out a noise investigation at the premises. During visits to the complainants property officers witnessed noise primarily from people outside smoking, and secondarily from music noise. Noise generally stopped at 23:00 and the complainant did not call out the department any further.

In May 2010 a further complaint was received from the same resident of The Colonnade but again no further information was provided.

In March 2012 a complaint was received by the applicant for this review, this was the first contact to this department by the applicant. Officers attended the premises and determined that in the 1st and 2nd floor bedrooms of the property the music noise was audible at a level which could constitute a statutory nuisance. Officers advised the applicant that further evidence was required to prove the frequency of the events of noise.

When investigating a statutory nuisance evidence is required to prove that the frequency, duration and the severity of the noise amounts to enough to demonstrate that the noise is materially affecting the residents ie: more than a one-off event.

Noise log sheets were returned by the applicant which indicated that due to the frequency the noise *could* amount to a statutory nuisance The log sheets detailed 9 occasions when there was disturbance until 23:00 hours over a 14 day period – (the log sheets returned at that time differ from those that have been included with the review application). At this time the applicant provided information in relation to a shaft/ void space between their property and the Wight Rock bar – which is the route they believe the noise is taking to their property. Both the applicant and the premises licence holder were happy to engage to work together to resolve the perceived issue, therefore the department left the investigation as 'pending' whilst this process took place.

In August 2012 it was apparent that an amicable solution could not be reached to resolve the issues the applicant believed were associated with the shaft/void space. The department sent 'second' letters to both parties notifying them of measures the department will take to investigate noise. This letter requested that the complainant call the department every time a nuisance is experienced.

On 2 November 2012 a call was received from the applicant for this review to our out of hours service. Officers witnessed music noise in the 1st and 2nd floor bedrooms which could be sleep disturbing, the music ended at 23:10 hours. The applicant was informed to contact the department when the noise was taking place to enable further action to be taken to establish the frequency of the problem. No further calls have been received.

The Current Licence

There are four conditions on the premises licence in relation to noise - these are:

1. Prior to any live or recorded music taking place at the premise, an electronic sound limiter shall be installed in the premises to control the level of noise breakout.
2. The pavement lights shall be sealed to prevent noise breakout.
3. Sound proofing works shall be completed prior to the performance of any live or recorded music to include:
 - a. Installation in ceiling voids to a minimum 200mm of RW3 Rockwell acoustic material together with sound-deadening membrane and two layers of 12.5mm fireline plasterboard which shall be fixed to a system of sound dissipating resilient bars.
 - b. Suspended acoustic tiling
 - c. The entrance to the premise shall be lobbied with a pair of solid oak entrance doors on entrance point of entry to the lobby.
 - d. A sound deadening curtain shall be installed to the rear of the stage area.

4. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and the area quietly.

¹⁰
Condition ~~1~~ relates to the use of a sound limiter – designed to prevent amplified music exceeding a certain level. This condition only requires a limiter to be installed, but does not stipulate the level at which it needs to be set, as such this department does not feel this is currently adequate.

¹²
It is felt that condition ~~2~~ in relation to the sound insulation is unenforceable as the premises licence holder is unable to demonstrate the construction of the ceiling without disassembling it. Due to the lack of continuation of complaints received this department has not needed to review the licence to place further conditions on the licence.

In July 2010 the premises licence holder applied for a minor variation of the licence, and part of this application requested the removal of conditions on the licence which were outdated – this was the condition in relation to sound insulation. Environmental Health can comment on a minor variation application, but cannot request conditions to be placed on the licence – whilst the department agreed that the current ‘noise’ conditions on the licence were unenforceable, we had no powers to make changes, as such an objection was raised to the variation meaning that part of the application was withdrawn and the previous noise conditions remained on the licence.

Application for review

Although the visits to the applicant’s premises have been insufficient to prove a statutory nuisance, and previous complaints have not allowed officers to investigate the matter fully, this department does have concerns over the enforceability of the conditions placed on the licence, and the ability of those conditions to control noise from the premises.

It is also worth noting that the music noise ceases at 23:00 hours and we have not received a complaint after that time. Since letters were sent to the premises licence holder, it would appear from the frequency of calls, the extent of any problem is now reduced.

The applicant mentions the second fan at the rear access to the property. Noise outbreak from this fan has not been assessed by officers, since no previous complaint has indicated that this could be a problem.

In order to prevent nuisance to residents in the area this department suggests the following conditions be included in the licence:

- During the provision of live and/or recorded music the noise, including DJ announcements shall be contained within the premises, or be at a limit which will be inaudible within the neighbouring or adjoining residential premises.

Reason: Officers are not satisfied that the current operation is sufficient in preventing a public nuisance as officers have witnessed music noise within neighbouring dwellings. The premises are licensed to carry out live and recorded music 7 days per week and as such we believe that this condition is reasonable and proportionate.

Informative: It is appreciated that the premises licence holder will not have access to neighbouring residential properties and as such the local authority will assist in the setting of any limiter/testing any limits, however we are unable to offer advice on how to achieve the limit in this condition. Guidance or advice can be sought by the premises licence holder commissioning an acoustician to evaluate the integrity of the structure to contain music noise.

- A copy of all public nuisance complaints received shall be recorded in a log book containing the time of complaint, date, complainant’s name and address (where provided) along with the action taken by the responsible person to deal with the complaint including the date and time of the actions completion. The log book shall at all times be available for inspection by

an authorised officer of the Local Licensing Authority and in any event within 24 hours of a request.

Reason: The Licensing Authority and residents wish to be assured that complaints of noise and other public nuisance will be properly investigated and acted upon; this will help to ensure that noise control measures are working effectively. This proposed condition is considered necessary, relevant and enforceable to secure the licensing objective of the prevention of public nuisance in accordance with paragraph 8.19 of the Licensing Authority's Statement of Licensing Policy 2008-2011.

These proposed conditions are considered necessary, relevant and enforceable to secure the licensing objective of the prevention of public nuisance in accordance with paragraphs 8.14, 8.15 and 8.18 of the Licensing Authority's Statement of Licensing Policy 2008-2011.

Many thanks for consulting this section.

Miss Claire Whitchurch
Health Protection Officer

From: Lucy, James
Sent: 30 January 2013 16:11
To: MacDonald, Sarah
Subject: Wight Rock Bar
Sarah

Following our telephone conversation earlier today, I am writing to confirm details of my inspection at the above address.

On the 28th January 2013, I visited the premises and met with Mr and Mrs Newnham to inspect the ventilation fan leading to the Shaft area in question for the Licensing review.

The fan provides a weak point in the structure, where 1hr fire separation is provided. Both Mr and Mrs Newnham understood and accepted the requirement to provide a 1hr Intumescent damper within the ventilation unit, to ensure the required fire separation is maintained.

In addition to this I have previously audited the premises, finding the general conditions and attitude to both fire and public safety of an above average standard, with the co-operation of the responsible person(s) more than adequate.

Hope this information is of use, if you have any further questions, please do not hesitate to contact me.

Kind Regards

James Lucy | Temp S/Manager | Technical Fire Safety & Enforcement | Isle of Wight Fire & Rescue Service Headquarters|
Newport Fire Station | South Street | Newport | Isle of Wight | PO30 1JQ
Tel: (01983) 823184 | Email: james.lucy@iow.gov.uk | Web: www.iwfire.org



Please, consider your environmental responsibility. Before printing this e-mail ask yourself: "Do I need a printed copy?"

To Sarah MacDonald – Senior Licensing Officer
From Amanda Gregory – Regulatory Services Manager
Telephone 6151
Email Amanda.gregory@iow.gov.uk
Date 04/02/12
Subject Licensing Act 2003 ("The Act")
Application for Review of the Premises Licence
The Wight Rock Bar, Lind Street, PO33 2NE

Memo

By virtue of Section 13 (4)(za) of the Licensing Act 2003, the Licensing Authority is a responsible authority and may make representations on applications made under the Act.

I have reviewed the actions taken by the Licensing Service regarding these premises along with the review application made by Mrs Carr and would like to provide the following observations to the Committee.

Officers from the Licensing Services have visited the premises on two occasions since 2009. These have been ad hoc evening inspections for compliance and were not related to any incidents or events. On 26/9/2009 officers noted that condition 7 was not being complied with as the premises had been redecorated officers advised that the signs should be put back up. With regard to condition 6 they were verbally told that the works required had been undertaken. A further visit was undertaken on 23/7/2011 with no issues arising.

I can confirm that the Licensing Service has not received any specific complaints from any members of the public concerning the premises.

The review application document details the grounds for review in relation to the licensing objectives of the prevention of public nuisance and public safety. Specifically loud music escaping and the breach of a 1 hour fire barrier. The applicant requests the following remedial action:

1. Removal of extractor fan/soundproofing.
2. Rehangng of fire doors.
3. Installation of a fan attenuator.
4. Suspension of the music licence until sound proofing has been installed.

The purpose of a review is for the Licensing Authority to consider whether the licence adequately upholds the four licensing objectives. I have therefore considered the current licence and the two objectives cited by the applicant along with the evidence supplied with their application.

I can confirm that I consider some of the issues raised by the applicant as matters that cannot be considered by the Licensing Authority when determining this matter. These are as follows:

- Civil or private nuisance issues around the drain, potential damp and ownership of the ventilation shaft.
The Licensing objective relates to public nuisance rather than private nuisance. Civil matters cannot be addressed through the licensing process.
- Fire enforcement issues.
Whilst fire safety is a valid consideration for public safety, it is not necessary to attach conditions to a licence where it is required by another legislative provision. Equally any enforcement issues should be dealt with under that legislation rather than the provisions

under the Licensing Act 2003. I understand that the Isle of Wight Fire and Rescue Service are aware of the issue.

Having considered the conditions attached on the current licence I am concerned that they do not adequately promote the licence objective of preventing public nuisance. This is for the following reasons:

- Condition 10 requires a limiter prior to live or recorded music but does not give any indication of the level it should be set at or the expectation on what this should achieve.
- Condition 12 I understand was volunteered by the licence holder upon conversion of the licence. However, whilst this provides detail on what works should be completed it again does not specify what should be achieved by its installation.

Therefore even if both conditions are complied with, this may not necessarily prevent public nuisance.

I have read the proposed condition supplied by my colleagues in Environmental Health and support their proposal as reasonable and proportionate. I note that this does not specify what works should be undertaken only the required outcome. This gives the flexibility for the licence holder to seek further advice on what works should be undertaken for both airborne and structure borne sound.

The applicant has suggested the suspension of the music element of the licence. Under the Act the committee can consider suspension of the premises licence for a specified period not exceeding 3 months. They do not appear to have the power to suspend elements of the licence for example live or recorded music.

I do not support the suspension of the licence as I consider it disproportionate. The wording of the proposed condition is such that the emphasis is on the licence holder to ensure that the noise is adequately controlled, I note Environmental Health have offered to assist in the setting of limits or sound tests. It may be beneficial for the committee to also consider the addition of a condition to require the licence holder to undertake a sound check prior to any live or recorded music.

Conclusion and Recommendation

The Licensing Authority supports the modification of the conditions on the premises as the current licence does not uphold the licenceing objective of prevention of public nuisance.

The Licensing authority supports the proposed conditions from Environmental Health but does not support the specific remeidal action requested by the applicant.

I will be attending the hearing to present this representation and to answer any queries the Committee may have.

Regards


Amand Gregory
Regulatory Services Manager

To: [REDACTED]



To whom it may concern

I have been a tenant at [REDACTED] The Colonnade, above the Wight Rock Bar, for nearly two years. Together with my two teenage daughters we realise, on moving above a live music bar, that there would be a certain degree of noise to which we have tolerated. There have been some evenings when it has been particularly rowdy and loud. Our main problem is the noise which goes on beyond midnight during weekdays, particularly Wednesdays and Thursdays but only when the volume seems to increase after 11 am. It is particularly difficult to hear the television in the living area beyond 10pm when the club is open and the smoking area is in full swing.

The evening of the 22nd December really was intolerable though. Having a 6 O'clock drive to the North East the following morning I didn't take kindly to my apartment vibrating to a heavy drum beat and bass drone until three in the morning. My bedroom is at the front of the apartment opposite the NATWEST building and it was as if the band/noise was actually in my own dwelling. The bathroom and back bedroom just shook, and the vibrations could be felt under foot throughout the entire apartment..

Is there nothing that can be done to dampen the sound so it does not affect residents in the apartment buildings and the houses adjoining the bar as it moves adjacent to the apartments along St Thomas's Street? Though parties do happen and there are special evenings of some very good music it is unfair for the peace and quiet of our own residencies to be disturbed to such a degree into the early hours of the morning. Sound dampening would mute the impact immeasurably, of our dwellings at least.

I urge the companies concerned to consider the impact on residents/tenants and ask that sound dampening could be a positive, as well as vital, action for all concerned.

In anticipation of a greater understanding for all concerned.

Yours sincerely

[REDACTED]

Thelma Edmunds

Hand Delievered COPY

NAME: Alison Monteith

ADDRESS: Warstone Lane, Birmingham, B18

COMMENTS: We own no [REDACTED] The Colonnade. I am aware that there are petitions etc to save the Wight Rock. All very heart warming; it is a great venue and an asset to the night life in Ryde. But would any of the petition raisers be prepared to buy a flat above the Wight Rock? We bought the flat at about the same time Sean and Debs aquired the Rock, when their declared intention was to be a coffee venue/cafe bar. We rent the flat out easily; it's a great flat. But would anyone want to buy it now? I doubt it very much. So; a great live venue, an asset, but a blight on the residential Colonnade and those around it. Sorry.

This email was sent from the Licensing Consultation comments form on iwight.com on: 24/01/2013

Shaun & Debbie Newnham
The Wight Rock Bar
The Cellar, The Colonnade
Lind Street
Ryde
Isle of Wight
PO33 2NE

DUPLICATE

Mr Scott Dollery

Thursday, 01 September 2005

Dear Mr Dollery,

Ref: Acoustic underlay on floors of ground floor shop/office units

We write further to our conversation when we met you on 31/08 at the unit, which you will be occupying shortly. Thank you for taking the time to talk to us and hear our concerns.

As discussed at the time, when we took ownership of the cellar property, an enquiry was made by the Managing Agent, Norman Arnold with regard to "what we would be doing about the matter of Soundproofing and Fire protection..."

It was always our intention to address these very important issues correctly. Therefore we have carried out extensive works to the ceilings of all areas of our property, which have incurred costs of several thousands of pounds.

The installation of the Sound (and Fire) proofing materials within the ceiling voids has been found to be very effective in preventing the transmission of airborne noise such as speech, telephones/faxes ringing and the like. However, what is extremely evident is that the nature of the floors of the ground floor units, i.e. wooden boards on wooden joists, means that footfall impact noise transmits all too easily, and is, in the absence of any form of underlay, very noticeable and even intrusive.

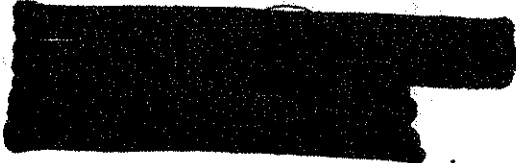
We of course wish to have a good relationship with all the occupants of The Colonnade, and it is in this spirit that we have made this approach, which we are also making to the other units above us. We trust you will appreciate that, whilst we have done all that we reasonably can in order to prevent the transmission of noise, it therefore seems fair and reasonable to suggest that those units above us also take some measures of a similar nature.

We are also concerned that any proposed drilling into, or opening up of the floor of your unit does not take place without prior notification to ourselves. This is due to the presence of not only the expensive materials in place, but also because there exists a water pipe, running from the front to the rear of the unit.

WHY?
ITS THEIR
RESPONSIBILITY
NOT TENANTS

In closing, We would suggest that, should you need any information concerning acoustic underlay, we will be more than happy to refer you to the company that supplied our materials.

Yours sincerely,

A large, solid black rectangular redaction box covering the signature of Shaun & Debbie Newnham.

Shaun & Debbie Newnham

Copies to: Norman Arnold, Managing Agent
Howard Gully, Commercial Estate Agents

c/o Leslie Frost

Telephone: [REDACTED]

REVIEW OF THE LICENCE OF THE WIGHT ROCK BAR

Licence Ref: Premises Licence 1863

With reference to the above matter, this company owns the freehold of 'The Colonnade' and there are 12 shareholders each of whom is a leaseholder of one of the five commercial properties and seven flats.

There are two grounds on which the Company would object to these premises continuing to be used as a Bar and Music venue.

1) The first objection is that since Mr & Mrs Newnham purchased the lease of the premises now known as the Wight Rock Bar in April 2001, the Directors have received, over the years a number of complaints from the owners and tenants of the flats and shops as to the excessive noise levels emanating from the Bar in respect of the music and large fans installed. The only response from Mr & Mrs Newnham was to suggest that the other owners/tenants should themselves invest in acoustic underlay in order to alleviate the noise transmitted through the inadequate sound proofing undertaken by the Bars owners. A tacit admission of its inadequacy.

The entrance doors are often left open during live music performances, while customers congregate on the steps smoking and noisily adding their contribution to the disturbance

Prior to the Newnhams acquiring the premises, during the 1990's there were a number of complaints concerning the high noise levels from the property, then known as Churchills Bar, with which the Isle of Wight Council were involved.

[REDACTED]

[REDACTED] Mr & Mrs Newnham have not complied with fire regulations, having broken through a fireproof door and as such could render the Companies building insurance invalid as well as endangering lives and property of those living in the 3 flats immediately above the Wight Rock Bar and the two adjacent shops, not forgetting the remaining flats and shops.

Please find attached a copy of 2 letters that may be of relevance to the licensing request.

For and on behalf of The Colonnade 1994 Ltd.

Mr Leslie Frost

Director



**ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION SECTION
MEMORANDUM**

Your Ref: pel/letters.stn/enhealth.mem
Our Ref: 012218/WGB
Date: 2 December 2004
To: Helen Frecknall, Administrative Assistant, Licensing Section, Environmental Health, St Nicholas
From: William Berry, Environmental Health Officer (Fax 529804)
Subject: Local Government (Miscellaneous Provisions) Act 1982
 Renewal of Public Entertainment Licence
 Wight Rock Bar, 4 The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NE

This Section is concerned about the potential for noise disturbance to occur to neighbouring residential premises, and would therefore strongly recommend that the license be **refused**. This is due to the fact that this Section has had to take enforcement action in the past in respect of noise from commercial use of the premises.

Before this Section could recommend the issue of a license, we will need to be satisfied that noise control measures will be sufficiently rigorous to prevent disturbance to neighbouring residential premises. The standard to be achieved will be that noise from within the premises will be **inaudible** within any residential premises in the same building, and **barely audible** at a distance 1 m. from the façade of any other nearby noise-sensitive building.

The information required will be in the form of a report from a reputable noise consultant with previous experience of this type of problem. The report should show, inter alia:

1. anticipated noise levels within the proposed entertainment areas;
2. details of noise attenuation measures, including measures to prevent noise break-out through ventilation openings, measure to minimise flanking noise transmission, and details of noise from air-conditioning equipment;
3. identity and locations of all relevant sensitive neighbouring premises;
4. calculations demonstrating that the resultant noise levels will meet the inaudibility criteria referred to above.

Information to the Applicant

To assist you in meeting the above the advice of a reputable noise consultant may be sought. Suitably qualified consultants may be contacted via The Association of Noise Consultants, 6 Trap Road, Guilden Morden, Nr Royston, Herts. SG8 OJE Tel 01763 852958.

Advice concerning minimum ventilation requirements can be found in the following publications, available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS Tel 01787 881165, website: www.hsebooks.co.uk

HSG202 - "General Ventilation in the Workplace"

EH22 - "Ventilation of the workplace"

Bill Berry
 Environmental Health Officer

MacDonald, Sarah

From: webteam@iow.gov.uk
Sent: 31 January 2013 11:23
To: Licensing - General
Subject: *** IWIGHT.COM LICENSING CONSULTATION COMMENTS ***

This comment has been automatically indexed and entered into the Licensing Consultation document area. Please review this comment and if invalid please follow the link below into the document system and declare it so.

ACTION REQUIRED: [Click here to review this comment in the Licensing Consultation document system](#)

Isle of Wight Council - Licensing Consultation - Recieved Comments

The following comments have been recieved.

LICENCE REF: Premises Licence : 041896

YOUR COMMENT DETAILS

NAME: Ryde Town Council David Mellor, Admin.Officer

ADDRESS: [REDACTED]

TEL NO:

EMAIL: [REDACTED]

COMMENTS: Ryde Town Council requests that the owners of the licensed premises should take up to date professional advice to assess and remedy the source of the noise complaint and that the recommendations of such assessment should be put into effect and that failure to implement such advice should result in the revocation of the licence.

This email was sent from the Licensing Consultation comments form on iwight.com on: 31/01/2013

APPENDIX E

NAME: Bryony Davies

ADDRESS: [REDACTED]

COMMENTS: Having performed many times at The Wight Rock Bar over the last 3 years, I am frankly disgusted that an individual has lodged a complaint for this brilliant venue to have their license reviewed. This friendly, atmospheric venue is one of the only places on the island that offers young musicians a place to hone their skills. Not only is the music finished by 11pm, there is also never any commotion or violence in the venue. If this license is changed or revoked, not only will the island potentially lose another pub to the recession (because what else would draw the crowds in) but we'd also lose a platform for so many gifted performers and music fans to come and gather.

This email was sent from the Licensing Consultation comments form on iwight.com on: 17/01/2013

NAME: John Aridi

ADDRESS: [REDACTED]

COMMENTS: Having frequented the Wight Rock Bar regularly over several years, I can refute the picture that the claimants are trying to paint of the owners being unhelpful. They have bent over backwards to ensure that the levels of the music are kept as low as possible while still ensuring the sound can travel throughout the establishment, to the point of banning bands that refuse their guidelines in music levelling. They've gone out of their way to ensure the music finishes at a reasonable hour. And they have been subject to harassment even on nights wherein there was no live music act - and even on one occasion when they weren't playing any music at all through the much quieter internal sound system. The fact that I wasn't at the bar, but overheard the conversation complaining about noise from BEHIND the bar, should inform you that the actual noise level was almost hilariously low. As a customer I have been verbally harassed by some residents of the building in question for frequenting the establishment - though this harassment hasn't upset me to the point that I have ever taken it to any kind of authority.

This email was sent from the Licensing Consultation comments form on iwight.com on: 17/01/2013

NAME: Jon Clucas

ADDRESS: [REDACTED]

COMMENTS: I'm a regular at the Wight Rock bar, although slightly less regular than I like to be at the moment. I am very fond of the venue, and have spent the better part of the last four years watching bands and socialising with my friends there. I was also a student at Platform One until 2011, and there have been times when I've been the one on the stage "making noise" as a part of my studies. During this time, I have become aware of a number of complaints made by neighbours, through a variety of overt actions undertaken by the owners to prevent unnecessary noise pollution. Simple things like ensuring that the door staff remind smokers to keep their voices down when outside the venue, and trying to keep the doors closed when bands are playing are reasonable expectations of a business like this, and as such they have been met where possible. Shaun Newnham has always asked the student bands to stay within reasonable limits regarding volume levels, ever since I first played the venue in late 2008. I don't see what more he can do. If nothing had been done to try to satisfy the people making these complaints, I'd have known nothing about them. I cannot comment on the structural issues that have been raised, as I have no knowledge of architecture, or even the structure of the building in question, but I've never found the music at the Wight Rock Bar louder than any other live music venue I've been to, and as a musician myself - I go to rather a lot of them. There are bars on the island who play RECORDED music louder than the bands here. It may be that the structure of the building is causing a problem for residents, but I do not think that it is the deliberate non-compliance of the owners, or unreasonably high levels of noise, and I find it unfair to suggest so. Some of the complaints also bother me deeply. I find it ridiculous that some of those submitting complaints about the venue have only lived there a short time. Surely they must have been aware of the presence of the venue before deciding to move into the block, and should have had some bearing on their decision making. I find complaints of being able to "hear the music" or have to "close the window" unacceptable in such a built up area. If these are grounds for the license to be refused, then should all the drinking establishments on and around Union Street be closed..? Or just the ones with upstairs neighbours like these..? All of the other premises in Ryde have flats above them, and smokers who stand outside shouting until much later into the morning than the Wight Rock generally stays open. Live music always ends at 11pm in my experience of attending as a patron, and only a pedant with their eye on the clock would disagree. Living in a busy part of town "close to all amenities" is a convenience that you pay for by having to put up with noise. Having to close your window is the price you pay for only having to walk a number of paces to get to the bank, or the highstreet shops. Would you then forbid those shops from getting deliveries in the early morning, or restrict traffic around the area? Nonsense. If you want to live centrally, you live with whatever exists in the central location - including the bars. People who choose to live in towns and cities must practice tolerance, whether it's towards their neighbours political ideology, religious faith, hobby activities or their trade. Because the Isle of Wight is such a docile and quiet place to live, I think perhaps that some residents forget that there are other people trying to live in the world. This is how Shaun and Debbie Newnham make a living. These residents can ask them to take reasonable steps to limit unnecessary spillage of noise into the area, but I find the attitude that some of them take towards trying to force the Newnhams to spend sums of money (that may or may not be available to them in these times of continued economic decline) on structural work, a little overbearing. No concern is shown for the wellbeing of the business, its owners or the levels of stress that they have to run it under due to these complaints - just the desired outcome, which appears to be the closure of the bar. There's quite obviously going to have to be a compromise - because you can't just move into a flat above a bar and demand it closes, but the Newnhams have tried to make adjustments for these people and frankly, it just seems to me that they are being bullied by intolerant busy-bodies who wouldn't be satisfied by anything less than the bar closing. I would gladly live above the Wight Rock bar.

This email was sent from the Licensing Consultation comments form on iwight.com on: 17/01/2013

NAME: Timothy John Callaghan- Martin

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock Bar has over the years been a blessing to Ryde. Shaun & Debbie have been incredibly supportive and nurturing of music and the arts amongst the student community on the Island. The atmosphere is nothing but warm and welcoming, and in my 5 years of a regular, i can not think of a singular incident of fighting, lairy behavior involved in the grounds of the establishment. In an age where so many small venues are struggling, Wight Rock are managing to not only keep afloat, but offer gigs and opportunities to artists starting out in a supportive, friendly environment. A definite boost to the many educational establishments here that run fine music courses. I support Shaun, Debbie and the Wight Rock Bar every step of the journey, and if a day comes where its doors are closed, Ryde will be immeasurably poorer for that. Not just economically, but emotionally and culturally too.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Leigh Tait

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock bar is an essential venue for all upcoming local musicians, it has been a steady provider of great music, and not once have I heard of or seen any trouble emerging from this venue. It would be a massively great loss to the IOW music scene and a disgrace if the licensing committee revoked their license, when they can allow many other venues with underage drinking and violence on a regular basis continue. WIGHT ROCK MUST STAY LIVE.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Anthony Gregson

ADDRESS: [REDACTED]

COMMENTS: This is a friendly little venue that always has security on the door when events are taking place. It is situated below street level. It's nearest neighbours appear to be two stories above it. It is a bar that I have often visited and have never seen any unruly behaviour. I, as a resident of Ryde, support the renewal of it's licence.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Dennis Jones

ADDRESS: [REDACTED]

COMMENTS: I find it incredible that an application can be made against the Wight Rock Bar. I've attended this venue more than 100 times since I moved to the Isle of Wight in 1998. At no point have I ever heard any noise upon leaving the venue. I have sometimes had to leave the Bar before the main bands have finished, each of these times, during my walk to the adjacent bus stops (and those opposite) I have never heard any noise pollution coming from the bar as I walk away (which is from the exit, up to about 600 metres towards Union Street). I there-for find this application unreasonable and the terms against the Wight Rock Bar to be unjust. And as a man of more than 30 years old and having attended venues across the South Coast, I can say there are venues on the mainland and beyond that create sound pollution that can be heard when walking away from the venue. So I have had enough experience of this to know that the Wight Rock Bar is being unjustly targeted. The Wight Rock Bar offers a great service to young bands across the Island and gives people the chance to see some of the best up and coming local bands, if the license were to be removed, it would be devastating for local bands and fans of music.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Jay Rylatt

ADDRESS: [REDACTED]

COMMENTS: Fantastic venue for up and coming island artists, safe, clean and the door is always manned. It would be a travesty if this license where not granted considering the caliber of other bars operating in Ryde. I am a frequent visitor to Ryde, this venue is the jewel in the cesspit, to consider revoking a licence for excessive noise is absurd. I agree Ryde on a Friday/Saturday night does generate allot of noise/disturbance but i doubt the Wight Rock is anywhere near the top of the offenders list.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Joanne Bird

ADDRESS: [REDACTED]

COMMENTS: I am absolutely shocked and dismayed to read that The Wight Rock are having to deal with this situation. We live on the mainland but always visit when on the Island. They offer such wonderful opportunities to the islands up and coming talent. On each occasion we visit it is run professionally and courteously to the patrons and consideration is given to the noise levels and the affect on surrounding residents. from what I have read in the complaint blocking a fan is not going so satisfy these people. They seem hellbent on ruining the enjoyment of a considerable number or people. Surely living above a music venue was something they should have considered when moving in, thank goodness they didn't move next to a school and are now asking the children to play quietly, although the similarities are uncanny!!! I have no doubt that this ridiculous attempt to ruin the opportunities that this establishment offers to young musical talent will be thrown out without hesitation. I applaud everything they do and wish more would put in the time and effort they do, it's a shame they have to put up with petty neighbours

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Beccy Moss

ADDRESS: [REDACTED]

COMMENTS: I lived at the colonnade above the Wight Rock Bar with my two young sons before and after it opened , Shaun and Deborah always treated me and the neighbours with nothing but respect , they always took the time to make sure that there were no problems with volume levels of not just music but also of people entering and especially exiting the premises and because of that noise issues did not arise. My flat was hot a stuffy during the summer months and both me and my children were able to sleep undisturbed with our windows open . The only reason i moved out of the property is because as my children got older the flat became to small .

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Danielle Warren

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock Bar has become a fundamental part of Ryde's social scene. They always make a brilliant job of making all there patrons feel very at home in the bar. Debbie and Shaun always make sure that everyone is very respectful of the residential properties around the bar, ensuring that music always ends by a reasonable time and that the volume of the smoking area is kept to a resonable level. To lose the Wight Rock Bar would be a great loss to Ryde especially in the current economic climate where keeping local businesses alive has become an ever more important job.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Sam Matlock

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock bar has always been extremely reasonable with their Sound Guidelines, cutting out live music by curfew without fail every night i've been (extremely regular customer). To take away the Wight Rock bar would seem like the final straw in killing off the Island's music scene, which used to be so thriving and something for the resident youth to be proud of. With so little for younger peoples to do it would simply lead to more teenagers and young adults loitering outside the library with no motivation or inspiration to engage in a form of art or socialise around an outgoing crowd. With the reputation the Wight Rock bar has from it's owners as a beacon of professional live entertainment and a business opportunity for young promoters, personally, as a former resident, i would be heartbroken for those still living there to see it go. Kinds regards, Sam Matlock 07809 645039

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Sam Carter-Chappell

ADDRESS: [REDACTED]

COMMENTS: As both a performer and regular customer of the wight rock i have seen them keep to their very strict curfews and noise limits, as well as having a noise limiter on stage keeping the bands sound under a reasonable noise level. The Isle of Wight once had a thriving local music scene, and this was true up until recently. This is down to the closing of many of the island's once prestiges music venues. Though out these times the Wight Rock Bar has stood for promoting the vast amount of musical talent that the Isle of Wight produces. Without their constant support for local music, the Island music scene would be inexistent. The removal of the licence would be taking away not only a great place for people to watch live music, a place which has been the centre point for island music for years. Live music is the reason many musicians start performing and with out venues such as the wight rock who base there night's on musical talent not profit, the amount of young adults getting into music would hugely decrease. It is people like Sean and Debbie who have kept live music alive on the Island with out them music on the island would be a very sad place.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Lauren Reed

ADDRESS: [REDACTED]

COMMENTS: I have been visiting this venue for a live music event at least once a week (sometimes more) for the last 4 years and i strongly believe they do not deserve their license revoked. The Owners are dedicated to giving the Islands Young talent an oppurtunity to shine and they are the only place left on the island to do so. As i have mentioned i have visited live events on a rather regular basis and the owners are very strict on the music regulation. i have never known them exceed their curfew of 11pm, They regularly patrol the outside of the venue to keep noise at a minimum and if bands exceed a certain noise level they will cut them off dead, and they always encourage acts to regulate their own noise as practice. I have known more noise to come out of the likes of weatherspoons and the black sheep bar than the wight rock bar and if you move into a town centre with a vibrant night scene such as Ryde you must expect noise to a certain extent. Please don't force another island business into closure. we should be taking care of our remaining business on the island not condemning them to certain extinction.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Tom Lamb

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock Bar is a well run, reputable establishment that I have frequented for a number of years. The staff are friendly and courteous to both customers and local residents - always making sure that any live performances are well regulated and finish well before midnight to cause as little upset as they can. They are also exemplary at running a tight ship when it comes to security, behaviour and the checking of IDs.

This email was sent from the Licensing Consultation comments form on iwight.com on: 21/01/2013

NAME: Aaron Weeks

ADDRESS: [REDACTED]

COMMENTS: The Wight Rock Bar is a fantastic live music venue that has been a vital part of the islands vibrant music scene for many years now, supplying a place for young musical talent to showcase to the public. There is never any trouble there and the bouncers make sure people keep their noise down outside. Shaun and Debbie Newnham are brilliant landlords who are always considerate of the surrounding residents! I fully support them keeping their live music licence.

This email was sent from the Licensing Consultation comments form on iwight.com on: 22/01/2013

NAME: Toby Godwin

ADDRESS: [REDACTED]

COMMENTS: This venue is a treasure to be cherished in Ryde and also the Isle of Wight. Not only do they provide a cultural platform for local musicians, mostly associated with the music college platform one, but also privately for aspiring promoters who are trying to reinvigorate the live music scene on the Isle of Wight. Furthermore, the owners are the loveliest people you will ever meet, and have welcomed punters in with open arms. I fail to see how this venue would impact massively on the lives of those who live locally to this venue, not only is it downstairs - meaning the sound levels do not travel very far, but it also shuts at 1am. This is by far one of the earliest places to shut which also plays live music in Ryde. There is always a friendly security guard there who will ALWAYS ID punters, even if they are 28 and baby-face, surely a good thing as this prevents underage drinking. Lastly and most importantly I feel that this venue, in comparison with other venues in Ryde, is the most trouble free of all. I have not once witnessed any verbal or physical altercations, this makes me feel that this venue is an asset to the Isle of Wight community.

This email was sent from the Licensing Consultation comments form on iwight.com on: 22/01/2013

NAME: Roger Deakin

ADDRESS: [REDACTED]

COMMENTS: Re The Wight Rock Bar's licence review; Application number 041896 My name is Roger Deakin, I visit The Wight Rock Bar up-to three times a week but usually once a week minimum. Both Debbie and Shaun Newnham take their responsibilities of safety and licences very seriously in deed. Live music is played up-to 11pm with only a few occasions going on no more than a few minutes past 11pm when the audience request an encore. Even on these occasions, Shaun who controls the sound system will take a view on whether this will happen. One of his considerations is how loud are the band playing, if he considers it to be near the limiter, he will refuse, much to the audience disapproval. Through-out the evenings of live music, both Debbie and Shaun monitor the sound and if they consider it is getting towards the upper end of the limiter, they will lower the sound levels. Continuing from their monitoring, if bands are considered inappropriate, for varying reasons, including how loud they are, they will be refused further gigs and some bands have been banned from playing there again. They have employed (after many trials) a security firm Etiquette, that understands The Wight Rock Bars requirements, and will insist on crowds outside, but on the premises, to keep their voices to a level, such as talking, not shouting. The security firm Etiquette also search bags for bottles, even water (as they cannot guaranty it is only water), this will be removed and if they wish, given back when they leave The Wight Rock Bar. Under 18 nights, the security are even stricter, such as, if they notice these under 18's having alcohol on their breath, they also do not get into the premises. This results in the people not wanted onto The Wight Rock premises, go else where, were other venues are less stringent. Although searching of bags do not have anything to do with the sound levels, it does demonstrate that both Debbie and Shaun Newnham take their responsibilities very seriously, as many nights have only a few people in the premises. This is preferred as everyone are relaxed and have a good experience there. Because of Debbie and Shaun's responsible behaviour, many people treat The Wight Rock bar as a friendly place to relax, with many, many comments from visitors saying they would sooner come to The Wight Rock Bar for a drink than go to other places and not feel safe. I would seriously doubt that the comment of 1170 occasions is a valid one. 6/7 years times the nights of actual live music is seriously overstated. Also "Heavy Rock" is seldom played at The Wight Rock Bar. It is more accurate to call it Indie, Blues, Skittle and Acoustic nights. I certainly consider Debbie and Shaun as friends first and proud to help them in any small way I can. My perception of The Wight Rock Bar is: it is an extension of my living room, as here I feel very safe and catered for. Yours Faithfully Roger Deakin AKA Roger Regular

This email was sent from the Licensing Consultation comments form on iwight.com on: 22/01/2013

NAME: Rosie Curling

ADDRESS: [REDACTED]

COMMENTS: Please do not close the wight rock. It is essential to the islands music scene. They are the most polite and considerate owners i know. They keep music level down to an agreed volume. Ive played there myself so i know they have a volume system in place so if the music goes louder than a certain amount, the whole music will shut off. I believe closing this iconic venue will effect hundreds of music lovers on the island. They've held many charity events which have raised alot of money for various charities. They always have security on the door and ID is always required every time. It would be such a shame to close such a lovely venue as the islands music scene is so big, and there are hardly any venues as it is. Please do not close this venue.

This email was sent from the Licensing Consultation comments form on iwight.com on: 22/01/2013

NAME: Regina Wendl

ADDRESS: [REDACTED]

COMMENTS: While I live in Southampton, I visit the Isle of Wight regularly. I consider myself to be a regular of the Wight Rock Bar. Not only is the bar one of the best venues on the island, it is a very clean and classy place. Both the landlords and the door staff make a conscious effort to keep noise levels down. This applies both to people smoking outside and music inside. The person complaining moved in after the bar first opened so they were aware of there being a music venue.

This email was sent from the Licensing Consultation comments form on iwight.com on: 22/01/2013

NAME: Julie Taylor

ADDRESS: [REDACTED]

COMMENTS: As a nearby resident and customer of the premises concerned I can honestly say I would never consider these premises to be a noise nuisance. Whenever I have been there during live music sessions the noise level is of a comfortable degree and from a nearby residents point of view I have never heard unacceptable noise levels, infact other nearby licenced premises are on occasions considerably noisy!

This email was sent from the Licensing Consultation comments form on iwight.com on: 27/01/2013

NAME: Keith Byles

ADDRESS: [REDACTED]

COMMENTS: In support of the Wight Rock Bar I wish to state that this venue is an important stage for Isle of Wight music students together with established musicians / songwriters. I have been a regular patron of the Wight Rock Bar for the past five years and in my opinion the live music is not played at an excessive sound level and all music ceases at 11pm. The owners have a strict, dedicated and responsible policy regarding admittance and noise levels both inside and out and I have never witnessed any drunken or rowdy behaviour on these premises. Also in support of the owners, many evenings are promoted in aid of various charities. Yours faithfully, Keith Byles

This email was sent from the Licensing Consultation comments form on iwight.com on: 27/01/2013

NAME: Diane Jones

ADDRESS: [REDACTED]

COMMENTS: to whom it may concern, i have been a patron of the wight rock since they have opened and i have not met a more law abiding couple, they give their time in the bar towards various charity events throughout the year through quiz nights for childrens charities, raising money for diabetis and others, they are very supportive to the youth of platform one that use the bar as part of their course and it would be very sad if that stopped. Anyone that frequents the wight rock sees that they are fairly quiet a lot of the time and sometimes sadly only have a handful of people through the door, I do seem to remember that the house in question where the noise is a problem was bought as a business (i think i am right in remembering that) and changed into a residential property being told there was a bar next door and soundproofing was a necessity when changing into residential property , was that not done when the residents changed the use? if not presumably the building regulations were not adhered to by mr and mrs carr which to me if this had been done there simply would not be this ongoing problem as they state in their complaints.

This email was sent from the Licensing Consultation comments form on iwight.com on: 29/01/2013

NAME: Louis Jenkins

ADDRESS: [REDACTED]

COMMENTS: I can't understand where these people are coming from. I've been outside of Wight Rock countless times, whilst live music is on, and even standing right next to the doors you can barely hear anything. Let alone 20 foot down the road. Louis

This email was sent from the Licensing Consultation comments form on iwight.com on: 02/02/2013

NAME: Christopher Martin

ADDRESS: [REDACTED]

COMMENTS: I am a regular attendee of live music events at the Wight Rock Bar, and have found them to be well run and always to be finished by 11pm prompt, which seems an entirely reasonable time for a town centre venue. Patrons are regularly reminded to be respectful of local residents when leaving, and it is one of the few venues where I've never witnessed any sort of trouble. At at time when so many businesses are closing in Ryde, we need places like the Wight Rock Bar to keep the town alive.

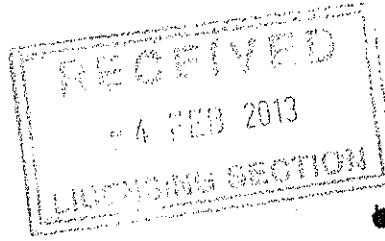
This email was sent from the Licensing Consultation comments form on iwight.com on: 03/02/2013

NAME: Martin Bean

ADDRESS: [REDACTED]

COMMENTS: Providing the noise issues can be resolved I would like to offer my support to the Wight Rock Bar. In my experience it has provided a safe environment for young musicians to perform. This facility is not provided to the same extent by other venues locally.

This email was sent from the Licensing Consultation comments form on iwight.com on: 04/02/2013



To whome it may concern,

"Etiquette Security" have been contracted in at the "Wight Rock Bar" to provide their security / door supervisors's since 15/4/2011. Due to the up-coming license review we as the owner's / manager's of the company are personally writing to tell you what we do to support & help the venue comply with and promote the four licensing objectives. In particular.. 2) Public Safety, 3) The Prevention of Public Nuisance.

- A door supervisor (s) monitor person's entering premises, refusing person's believed to be too drunk, too loud, ect. And also monitor the capacity of the venue with 'Clicker's' to prevent over-crowding. (Amoungst other duties).
- We are also extremely vidulant on keeping noise to a minimum in the outside, contained smoking area. To an observer it can be seen that the customer's inside the venue but in the outside area are infact quieter than alot of the person's walking around the town of a night.
- With regard's to the music escaping the venue to the front, when the live music start's we make a point of closing both set's of door's, to which the music can then hardly be heard. Again there are regular house parties in the flat's above (not known which number) and down 'St Thomas Street' that create music louder than the venue due to no sound proofing and also creating flurries of drunken and loud person's leaving and attending.
- Another point. Whilst monitering the front of the premises door staff report, myself also on occasion, that there are may a car late at night even after we have closed with music extremely loud leaving the car's, far far louder than anything coming from the premises.. As virtually none leaves via the front anyway.
- At 23:00hrs a member of the security team will make a 'sweep' of the venue to ensure any under 18's have left. This co-incides with the end of live music / band's.. Live music alway's finnishes by 23:00hrs. Alot of the time the bar shut's shortly after. (This can be backed up by the invoice record's we have kept like we do with all venues, and can be made availiable).
- On clearing the venues we alway's usher customer's that have left the building away into the high street, they are also made aware that if they were to cause a nuisance to the neighbouring area after leaving this would result in

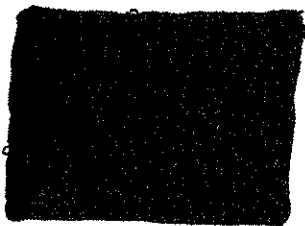
their entry to the premises being refused on future occassion's.. To which they understand and never cause a problem.

Us as the manager's of "Etiquette Security" are ofcourse biased in the favour of "Wight Rock Bar", but with experience of working right across the country in the night-time economy we consider "Wight Rock Bar" to have very little impact on the surrounding area, if any at all. But what the venue does do is provide a very quiet, safe and freindly atmosphere that is lacking on the Island's main town centres. Licensing Law's are fully complied with and promoted. "Wight Rock Bar" also provides a venue where under 18's are aloud, and are actually helping them do something constructive and helping them with their music career's (Platform 1 College of Music also reguarly hold event's too). On many occasion's myself or our door supervisor's are told what a unique venue / atmosphere it is and it is the only place in the centre of Ryde they can feel safe on a night out, indeed it is the only venue some visit.

Lastly myself and my partner, along with all the door supervisor's at "Etiquette Security" feel it would be a great shame if the venue were to have it's licensed revoked, a safe, freindly bar gone. And a loss of somewhere for local talent to play, especially young local band's / artist who are just trying to start out, aswell as a loss to the local music college. It will have a100% detrimental effect to the local Island music scene and the local are of Ryde.

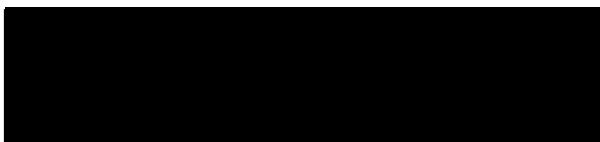
Any issues regarding the security / crowd control side of thing's at the bar please dont hesitate to contact us.

Many Thank's for your time,



Mr Benji Churchill.

Mrs Gemma Churchill.



**THE WIGHT ROCK BAR - LICENCE REVIEW
STATEMENT IN RESPONSE**

APPENDIX F

WE HAVE PREPARED THE FOLLOWING STATEMENT IN RESPONSE TO THE LICENCE REVIEW, BROUGHT ABOUT BY THE CARRS. WE NOTE THE REVIEW WAS NOT REQUESTED BY THE ENVIRONMENTAL DEPARTMENT OR THE POLICE.

IN 2001 MR & MRS CARR WERE GRANTED PERMISSION TO CONVERT A COMMERCIAL PROPERTY INTO A RESIDENTIAL PROPERTY. THEY HAVE BEEN PREJUDICED TOWARDS US SINCE WE PURCHASED OUR PREMISES. THEY WERE THE ONLY OBJECTORS WHEN WE SUBMITTED OUR INITIAL APPLICATION BEFORE OPENING, EVEN THOUGH THEY WERE AWARE OF THE LONG-STANDING EXISTENCE OF LICENSED PREMISES ON THIS SITE. WE ONLY DISCOVERED THIS IN A CHANCE CONVERSATION ONE DAY, WHEN THEY GAVE THE REASON FOR THEIR OBJECTION AS THEIR FEAR OF "THE SMELL OF FRYING CHIPS AND HEAVY METAL MUSIC"

HOURS WE ARE PERMITTED TO OPEN

10:00 - 23:30 SUN-THUR

10:00 - 01:00 FRI & SAT

HOURS WE ARE ACTUALLY OPEN

20:00 - 23:30 WED & THUR & THE OCCASIONAL SUN

20:00 - 0100 FRI & SAT



ALL LIVE MUSIC FINISHES AT 23:00 ON ALL DAYS

LIVE MUSIC NIGHTS OVER THE PAST 8 MONTHS:

JUNE 2012 - 3

JULY 2012 - 5

AUG 2012 - 4

SEPT 2012 - 6

OCT 2012 - 5

NOV 2012 - 11

DEC 2012 - 7

JAN 2013 - 6

ON THE RARE OCCASION LIVE MUSIC HAS GONE ON BEYOND 23:00 IT HAS ONLY EVER BEEN BY A MATTER OF MINUTES TO ACCOMMODATE ENCORES. IT IS ALMOST ALWAYS THE CASE THAT WHEN BANDS HAVE FINISHED THE AUDIENCE TENDS TO LEAVE BEFORE 23:30 EVEN ON A FRI & SAT, WHEN WE CAN BE OPEN UNTIL 1AM. WE NOW ARRANGE FOR BANDS TO FINISH AROUND 22:50 SO THAT SHOULD AN ENCORE BE REQUESTED IT IS POSSIBLE TO ACCOMMODATE THE CROWDS REQUEST AND NOT GO PAST THE PERMITTED FINISH TIME OF 23:00.

**THE WIGHT ROCK BAR - LICENCE REVIEW
STATEMENT IN RESPONSE**

WE HAVE HAD 2 X TEMPORARY EVENT NOTICES IN 2012. 1 FOR THE SCOOTER WEEKEND & 1 ON 22/12/12 FOR A XMAS PARTY. THERE WERE NO OBJECTIONS.

READING THE COMMENTS STATED CONCERNING HEARING LOUD MUSIC "INTO THE SMALL HOURS OF THE MORNING" WE CAN ONLY CONCLUDE THAT THESE PEOPLE ARE HEARING MUSIC FROM ANOTHER SOURCE. INDEED ON SEVERAL OCCASIONS UPON LEAVING OUR PREMISES AS LATE AS AFTER 01:00 WE HAVE OURSELVES HEARD LOUD MUSIC EMANATING FROM FLATS IN THE COLONNADE, LIND STREET & THE SHOP UNITS ABOVE THE BAR.

THE LETTERS MR & MRS CARR HAVE INCLUDED FROM THE ENVIRONMENTAL DEPARTMENT REFER TO OUR INITIAL APPLICATION IN 2004 UNDER THE LICENSING ACT 1982 WHEN WE APPLIED FOR AN ENTERTAINMENT LICENCE. WHEN WE APPLIED FOR OUR NEW LICENCE IN 2005 UNDER THE 2003 LICENSING ACT WE ASKED FOR A VARIATION TO HAVE THE CONDITIONS REGARDING SOUND TESTING REMOVED. THIS WAS GRANTED.

WE HAVE NEVER REFUSED TO INSTALL SOUNDPROOFING. MR & MRS CARR OFFERED TO PAY FOR & COMPLETE THE WORKS THEMSELVES.

WE HAVE NEVER BEEN ASKED TO LISTEN FROM WITHIN THEIR PROPERTY & THEREFORE HAVE NEVER REFUSED.

THE FAN THEY REFER TO AT THE OTHER END OF THE PROPERTY HAS NEVER BEEN AN ISSUE NOR REFERRED TO UNTIL NOW.

MR & MRS CARR SUBMITTED DRAWINGS TO US OF THE WORKS THEY WANTED TO UNDERTAKE AND PAY FOR IN 2011. WE WAITED FOR MR & MRS CARR TO COMPLETE THE WORKS WITHIN THE SHAFT, BUT NONE WAS CARRIED OUT FOR A VERY LONG TIME. WHEN THEY FINALLY DID START WORK IN 2012, IT DID NOT RESEMBLE THE DRAWINGS THEY HAD GIVEN US.

THE FOLLOWING IS TO US MOST SERIOUS AND TYPIFIES THE ATTITUDE TAKEN TO US BY THE CARRS. TOTALLY WITHOUT PERMISSION OR PRIOR DISCUSSION, REGARDLESS OF WHAT THEY MAY SAY TO THE CONTRARY.

THEY DISCONNECTED, DRAINED THE COOLANT FROM AND CUT LIVE ELECTRICAL CONNECTIONS TO OUR OUTSIDE AIR CONDITIONING/HEATER/DEHUMIDIFIER UNIT. THEY FURTHER REMOVED THE UNIT, OUR PROPERTY, FROM THE SITE COMPLETELY.

WE CONSIDER THIS NOT ONLY CRIMINAL DAMAGE, BUT THEFT. NOT HAVING THIS UNIT WORKING HAS CAUSED US CONSIDERABLE PROBLEMS, AS WE ARE UNABLE TO PROVIDE THE LEVEL OF COMFORTABLE CONDITIONS WITHIN OUR PREMISES FOR OUR CUSTOMERS THAT WE HAD PREVIOUSLY. AT THAT TIME, A LENGTH OF DUCTING & JUBILEE CLIP THAT WAS CONNECTED TO THE IN/OUT FAN WAS ALSO REMOVED AND TAKEN AWAY, AGAIN WITHOUT CONSENT.

**THE WIGHT ROCK BAR - LICENCE REVIEW
STATEMENT IN RESPONSE**

THIS ACTION WAS REPORTED TO THE POLICE (REF NUMBER - [REDACTED]) WE HAVE NOT PROCEEDED WITH CRIMINAL CHARGES AS WE HOPED MR & MRS CARR WOULD REIMBURSE US THE SUM OF [REDACTED] FOR THE REPLACEMENT UNIT + PROFESSIONAL INSTALLATION FEE.

WE WROTE TO THEM REQUESTING REIMBURSEMENT BUT NOTHING HAS BEEN FORTHCOMING. WE ARE QUITE SURE THAT OUR REQUEST FOR THE REIMBURSEMENT OF THE REMOVED/VANDALISED ITEMS HAS LED TO THIS REVIEW.

MR & MRS CARR HAVE MADE A SUBSTANTIAL HOLE IN THE SIDE WALL OF THEIR HOUSE TO GAIN ACCESS TO THE SHAFT, AN ACTION WHICH THEY STATED HAD THE APPROVAL OF JUSTIN BIGGS OF BUILDING CONTROL. WE FEEL AS THEY HAVE NO CAVITY WALL AND AT PRESENT A LARGE HOLE THEY WILL NOT BE PROTECTED FROM ANY EXTERNAL NOISE. (SEE PHOTO).

THE PHOTOGRAPH ENCLOSED CLEARLY SHOWS THAT THEIR PROPERTY IS ONE OF ONLY SINGLE BRICK WALL CONSTRUCTION. HAD THE CARRS TAKEN THE STEP OF UPGRADING THEIR PREVIOUSLY COMMERCIAL PROPERTY TO A STANDARD EXPECTED OF A RESIDENTIAL ONE BY THE PROVISION OF A CAVITY WALL, PERHAPS THEY WOULD NOT HAVE HEARD NOISE TO THE EXTENT THEY CLAIM TO AT PRESENT. WHEN WE ENQUIRED OF JUSTIN BIGGS WHETHER OR NOT THIS WOULD HAVE BEEN A CONDITION OR REQUIREMENT OF THE CONVERSION PLANNING CONSENT, GIVEN THE PREVAILING BUILDING REGULATIONS AT THAT TIME, THE ANSWER WE RECEIVED WAS INCONCLUSIVE, AS HE STATED "NOT NECESSARILY". THE CARRS HAVE CERTAINLY CARRIED OUT EXTENSIVE WORKS IN OTHER AREAS OF THEIR PROPERTY, INCLUDING A GOOD DEAL OF **UNPERMITTED DEVELOPMENT**, A FACT CONFIRMED BY MR BIGGS. IT SEEMS A SHAME THAT SO MUCH ATTENTION HAS GONE INTO THESE OTHER AREAS, YET NO EFFORT HAS BEEN MADE WITH REGARD TO THE ASPECT OF THE CAVITY WALL, WHICH ONE WOULD THINK A HIGH PRIORITY WITH REGARD TO SOUND AND THERMAL INSULATION OF A RESIDENTIAL PROPERTY.

**THE WIGHT ROCK BAR - LICENCE REVIEW
STATEMENT IN RESPONSE**

RESPONSES TO COMMENTS (NUMBERED) FROM CORRESPONDENCE:

1. NOT AS STRAIGHTFORWARD AS STATED. WOULD REQUIRE EXTENSIVE RE-ROUTING OF INTERNAL AIRFLOW.
2. THIS HAS NEVER BEEN RAISED BEFORE. WHY NOW? THERE IS NO EVIDENCE TO CONFIRM THIS IS A PROBLEM - "ENTIRE LOCALITY"??
3. THE OFFER TO CARRY OUT WORKS WAS FIRST MADE IN 2011.
4. TO PROVIDE 1 HOUR PROTECTION, 1 OPENS OUTWARDS, THE OTHER INWARDS. NO EVIDENCE SUPPLIED TO US TO SUPPORT CLAIM OF OWNERSHIP OF THIS AREA.
5. NEVER DISCUSSED AS SUGGESTED. THE GULLY REFERRED TO IS PART OF THE COLONNADE DRAINAGE SYSTEM, NOT THAT OF THE CARR'S PROPERTY.
6. THIS PERSON TO OUR LIMITED KNOWLEDGE CAN SURELY NOT HAVE LODGED THERE FROM THE DATE SHOWN. SHOULD THIS NOT IN FACT READ "2012". "UNGODLY HOURS" IS A HIGHLY SUBJECTIVE PHRASE. WHAT ONE PERSON CONSIDERS "UNGODLY" MIGHT WELL BE EARLY EVENING TO ANOTHER. WE COMPLY WITH WHAT CURRENT RESTRICTIONS THERE EXIST UPON US.
7. "ALL OVER THE NEIGHBOURHOOD". AGAIN, WHAT EVIDENCE IS THERE TO SUPPORT SUCH A STATEMENT? HOW HAS IT BEEN MEASURED? BEDROOMS ADJOINING SHAFT - SEE NEXT RESPONSE (8). SOMETIMES 2AM? ONE OCCURRENCE PERMITTED BY T.E.N.
8. CHANGE OF USE LETTER. CLEARLY MAKES SUGGESTIONS WITH REGARD TO INTERNAL LAYOUT WHICH APPEAR TO HAVE BEEN DISREGARDED.
9. TIMES STATED NOT BASED ON FACT.
10. AGAIN, THIS REFERENCE TO 2AM, WHICH WAS A SINGLE, PERMITTED OCCURRENCE.
11. THE TIMES STATED ARE COMPLETELY INCORRECT AND UNSUPPORTED BY THE TRUE FACTS OF THE MATTER.
12. GRANTED VARIATION REQUEST REMOVED THE REQUIREMENT OF ACOUSTIC CONSULTANT'S REPORT.

**THE WIGHT ROCK BAR - LICENCE REVIEW
STATEMENT IN RESPONSE**

13. ACOUSTIC TESTS - SEE RESPONSE 12. DEVELOPMENT WORK (INCLUDING CEILINGS) INSPECTED AT THE REQUIRED STAGES AND THEREFORE SIGNED OFF BY JUSTIN BIGGS, BUILDING CONTROL OFFICER, IW COUNCIL. CEILING SOUNDPROOFING MATERIALS INSTALLED TO A HIGH STANDARD, EVEN THOUGH NOT IN FACT A REQUIREMENT BETWEEN COMMERCIAL PREMISES. INTUMESCENT BARRIER TO BE INSTALLED ON BOTH FANS AS SOON AS DELIVERY OF ORDERED ITEMS RECEIVED.

14. SUBJECTIVE REMARKS MADE. WHAT PROOF IS THERE OF THIS?

IN CLOSING, WE WOULD LIKE TO STATE THAT WE ARE WILLING TO TRY OUR UTMOST TO COMPLY WITH WHATEVER STEPS THE LICENSING AUTHORITY DEEMS NECESSARY TO REQUIRE OF US IN ORDER TO ACHIEVE A SATISFACTORY RESOLUTION TO THE CURRENT ALLEGED PROBLEM. WE FEEL IT PERTINENT TO REMIND THE PARTIES CONCERNED THAT OUR ESTABLISHMENT HAS POSSIBLY THE SHORTEST OPENING HOURS OF ANY SIMILAR IN RYDE, AT PRESENT TOTALLING SOME 20 HOURS PER WEEK.

SHAUN NEWNHAM _____

DEBORAH NEWNHAM _____

THE WIGHT ROCK BAR

The owners of Wight Rock have always refused point blank, to come and listen to the extent of the noise within our house. They also refused to install any soundproofing, until May 2012, when they offered to remove the fan altogether, and install soundproofing over the door area "budget permitting".

However, this has not materialized, even though it would only take an hour or so to remove the fan, and block the hole.

We also want to bring to the attention of the Review the existence of another large, unattenuated extractor fan, situated by the rear exit of Wight Rock. (see photos) Very loud noise emanates from this fan during Live Performances, and permeates the entire locality (see witness statements).

Further Evidence

You will note that we include only one "visit report" from Environmental Health Officers. This is because, following this report, and subsequent "14 day noise log" which we were told to keep, the owners of Wight Rock were visited by Environmental Health, and subsequently promised to cooperate by installing soundproofing, as mentioned above.

The offer was accepted by Environmental Health, so we waited, in expectation, assuming that eventually the Council would force the work to be done.

The months passed, but nothing happened. We kept in touch with all parties throughout. The Environmental Health officers did not operate the "Call Out" service over the Summer, but this did not worry us, as it had not been explained to us that that we were expected to request a "Call Out" absolutely every time there was noise nuisance. In the Autumn, we were told by Environmental Health that they had no powers to "speed up" works, or even force implementation. We were advised to continue down the "Statutory Nuisance" path, by starting to call for noise inspections again.

However, at this point, we were so desperate that we offered to carry out works ourselves. We made a temporary hatch through the wall of our house, and tried to soundproof by using sandbags in a metal frame. We had to modify our original plans, as when we actually broke through to the hatch, its dimensions varied from what we had anticipated.

But, this whole idea has proved much more difficult than expected, for a number of reasons:-

1. DRAIN

A considerable quantity of rainwater comes down into the shaft, mainly via a gutter downpipe. The drain hole serving this downpipe is sited within the threshold of the door hatch into Wight Rock. (see photo). Unfortunately, this drain needs to be kept serviced by The Colonnade, via the Wight Rock door hatch.

4 This would be fine, except that to gain access to this drain, the outward opening hatch door has to be fully opened, which entails its full 2'6" width having to sweep right across the shaft.

Thus, no soundproofing/ sandbags can be put in front of it, in any part of the shaft.

5 If the fire door opened inwards, as it is shown to do on the Licence Plan (see plan enclosed) this would not be a problem.

The owners of Wight Rock will only accept us installing soundproofing if we accept responsibility for the drain.

2. POTENTIAL DAMP

The Wight Rock owners will only accept our soundproofing if we leave a gap against their wall. The Building Inspector thus recommended we leave a gap of 6-8" between any soundproofing and their wall, to avoid any future problems, where we could be accused of causing damp. This large gap rendered any soundproofing measures totally ineffective, as the sound waves have an easy escape route.

3. MAINTENANCE

The Building Inspector did not think it wise to make our access hatch permanent, but it seemed apparent to us that any soundproofing we installed could not just be left: it would require periodic maintenance from our side. Particularly as it is such a wet area, with rain ingress, and the downpipe.

4. FASTENINGS

Any soundproofing measures we took must not include any fastenings (screws, glue, bolts) to the wall of a Listed Building. This would present a great deal of practical difficulty.

5. SANDBAGS

These proved unsuitable. The sacking started to rot in less than 5 weeks. Thus, we were forced to remove them all.

6



1 - 1 - 2013

To whom it may concern:

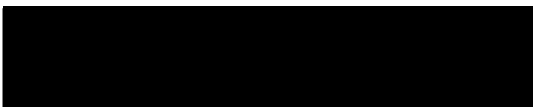
I have lodged at the above address since 1st June 2011, and counted myself very fortunate to have found a lovely place close to all amenities. However much to my chagrin and horror I didn't expect to be reminded in the middle of the night of my youth by reverberations of guitar rifts and heavy drum roles pulsating through the house and outside my window at the other end of the house.

Also I have had to buy earplugs to try and sleep in the small bed room when my family stays. Though sleep is impossible and I generally have to read into the ungodly hours of the morning to preserve my sanity.

I am an Islander and understand the importance of facilitating

Youthful enterprises. However venues must be suitable and properly insulated with greater time restrictions which this club clearly does not comply.

Yours truly



Helene Allen

26, Royal Exchange,
Newport,
I.W.. PO30 2HN

To Whom it May Concern

I have visited my friends at ■ St. Thomas' Street, Ryde, on many occasions over the last few years. When these visits have coincided with one of the Live Music performances at The Wight Rock Bar, I have been astonished at the overwhelming noise which pounds through the walls of No1, and which throbs all over the neighbourhood out of the powerful extractor fan at the back of The Cellar. It is impossible to "escape" the noise. Even at the other end of the house, some considerable distance from the stage at Wight Rock Bar, the drums can be clearly heard. The bedrooms which adjoin the shaft are impossible to use until after the music stops – and this can sometimes be 2am, as on Dec22nd. It must be very loud higher up the shaft, where several windows of the flats in The Colonnade are situated.
I feel that the situation should not be allowed to continue.

David J. Johnson, B.Ed..

Tel: [REDACTED]
01983 [REDACTED]

8

C S Hougham MRTPI
Development Control Manager

Our Ref: TCP/23871/P119/00

Contact: Mr Pegram

Your Ref:

Tel: (01983) 823571

Wilkes Price Hounslow
■ St Thomas Street
Ryde
Isle of Wight
PO33 ■

19 January 2001

Dear Sirs

Change of use from office to residential, Wilkes Price Hounslow, ■ St. Thomas Street, Ryde, IW.

Enclosed is a planning decision notice in respect of the above planning application which was approved under the agreed delegated powers on 18 January 2001.

In decisions of this nature Members have instructed me to despatch an explanatory letter with the decision notice, setting out the limitations of the planning permission granted.

You applied for the change of use from offices to a single residence, a use which falls within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987. Accordingly, the permission authorises the use of the premises as a single dwelling for occupation by a single person or by people living together as a family or by not more than six residents, living together as a single household, including one where an element of care is provided for residents. If it is intended to increase the number of persons living together as a single household to a total exceeding six, planning permission would be required for a further change of use.

The Principal Environmental Health Officer has requested that I draw to your attention the existence of licenced premises adjacent the application site which have been the subject of action by his department to prevent nuisance from the playing of amplified music and the premises are presently closed. However, you may wish to take into account this potential source of nuisance when designing the internal layout and locate bedrooms and living rooms away from the premises.

Would you please keep this letter with the planning decision notice and ensure that any recipient of the notice also receives a copy of the letter for future reference.

Yours faithfully

A Pegram
Planning Assistant

AN

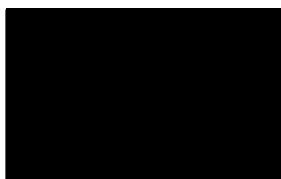
9

01:01:13

To whom it may concern,

I have been continually disturbed (3 or 4 evenings/nights a week) by noise from the Wight Rock bar, during their live music performances, over the last six years. During warm weather, I am forced to either sleep with my window closed when Wight Rock plays their live music (because the noise coming from the bar is very loud) or, I simply cannot sleep! This is particularly upsetting when Wight Rock play their music beyond 11 o'clock (up to 2 AM). Even with my window closed, the live music vibrates through the walls of the house. I find this most alarming, upsetting, and unacceptable. I find it very hard to understand how Wight Rock ever got permission that has resulted in them causing so much unacceptable noise pollution in our house.

Peter Carr



10

From: Katherine Carr [REDACTED]

Sent: 30 December 2012 21:21:07

To: Jackie Carr [REDACTED]

To Whom it May Concern

I have returned home to [REDACTED] St. Thomas' Street, Ryde, many times over the last few years, and have lost count of the number of disturbed evenings I have experienced in the house due to the live music being played at Wight Rock. Every time live music is played, there is absolutely no chance of sleep in the house until they have finished: sometimes not until 2am. It is very annoying.

I don't know how I would cope if I lived in the house permanently: you are forced to only one end of the property to get any peace from the deep, repetitive noise.

Katherine Carr

[REDACTED]

Sent from my iPhone

11

[REDACTED]

[REDACTED]

To whom it may concern

I have been a tenant at [REDACTED] The Colonnade, above the Wight Rock Bar, for nearly two years. Together with my two teenage daughters we realise, on moving above a live music bar, that there would be a certain degree of noise to which we have tolerated. There have been some evenings when it has been particularly rowdy and loud. Our main problem is the noise which goes on beyond midnight during weekdays, particularly Wednesdays and Thursdays but only when the volume seems to increase after 11 am. It is particularly difficult to hear the television in the living area beyond 10pm when the club is open and the smoking area is in full swing.

The evening of the 22nd December really was intolerable though. Having a 6 0'clock drive to the North East the following morning I didn't take kindly to my apartment vibrating to a heavy drum beat and bass drone until three in the morning. My bedroom is at the front of the apartment opposite the NATWEST building and it was as if the band/noise was actually in my own dwelling. The bathroom and back bedroom just shook, and the vibrations could be felt under foot throughout the entire apartment..

Is there nothing that can be done to dampen the sound so it does not affect residents in the apartment buildings and the houses adjoining the bar as it moves adjacent to the apartments along St Thomas's Street? Though parties do happen and there are special evenings of some very good music it is unfair for the peace and quiet of our own residencies to be disturbed to such a degree into the early hours of the morning. Sound dampening would mute the impact immeasurably, of our dwellings at least.

I urge the companies concerned to consider the impact on residents/tenants and ask that sound dampening could be a positive, as well as vital, action for all concerned.

In anticipation of a greater understanding for all concerned.

Yours sincerely

[REDACTED]

Thelma Edmunds

Hand Delievered COPY

COPY OF VARIATION - GRANTED.

PART B - Application to vary a premises licence under the Licensing Act 2003

12

SHAWN NEWNHAM
#We... ~~PEBORAH NEWNHAM~~... being the proposed premises licence holder of an
[insert name of applicant]
existing licence to be converted under the terms of Schedule 8 to the Licensing Act
2003 apply to vary it under section 34/section 37 of the Licensing Act 2003 (delete as
applicable) for the premises described in Part A above.

Part B1 - Variation

Do you want the proposed variation to have effect from the second appointed day?

Please tick Y

☐

If not when do you want the variation to take effect from

Day	Month	Year
01	08	2005

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any
one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

THE REMOVAL OF THE CONDITION APPLIED TO
OUR PUBLIC ENTERTAINMENT LICENCE,
WHICH STIPULATES THAT AN ACOUSTIC
CONSULTANT'S REPORT MUST BE OBTAINED
BEFORE THE LICENCE CAN BECOME EFFECTIVE.

New Information that we have been given by the Licensing Department

13 The Isle of Wight Council Licensing Department have told us that the Wight Rock Bar Live Music Licence was issued without any acoustic tests being carried out.

They have told us that this was due to a "Licensing Loophole" at the time.

This means that there were no acoustic checks carried out to determine the efficacy of the ceiling soundproofing at the Wight Rock Bar, nor to check noise leakage out of the extractor fans.

The ceiling soundproofing was installed as a D.I.Y. job by the owners, but we have been told that it was never checked by the I.W. Council at any stage during the installation.

As far as we know, there exist no photographs taken of the various stages of this installation, nor record of any receipts for materials installed.

In the case of the extractor fans, there are no attenuation measures taken.

We were also told by Licensing that the original soundproofing requirements stipulated by Environmental Protection, which seem to have been overlooked when the Licence was granted, still apply.

We have today received a Fire Safety Inspection report from the I.W. Fire & Rescue Service, carried out at Wight Rock on 28:01:13. The inspector identified the extractor fan within the shaft as breaching the 1 hour Fire Resistance barrier required when the original Licence was issued. The owners have been told to fit a 1 hour intumescent damper within the ventilation unit, to ensure that the required fire separation is maintained.

Until this situation is addressed, the House Insurance of both our property, and that of The Colonnade, is compromised.

(14)

LICENCE REF: Premises Licence : 1863

YOUR COMMENT DETAILS

NAME: Alison Monteith

ADDRESS: [REDACTED] Warstone Lane, Birmingham, B18 [REDACTED]

TEL NO:

EMAIL: [REDACTED]

COMMENTS: We own no [REDACTED] The Colonnade. I am aware that there are petitions etc to save the Wight Rock. All very heart warming; it is a great venue and an asset to the night life in Ryde. But would any of the petition raisers be prepared to buy a flat above the Wight Rock? We bought the flat at about the same time Sean and Debs aquired the Rock, when their declared intention was to be a coffee venue/cafe bar. We rent the flat out easily; it's a great flat. But would anyone want to buy it now? I doubt it very much. So; a great live venue, an asset, but a blight on the residential Colonnade and those around it. Sorry.

TEN REQUEST FOR 22/12/12 - GRANTED



copy

Mr Shaun Newnham



From
Mr Shane Batchelor
Licensing Department
Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Tel (01983) 823159
Fax (01983) 823158
Email shane.batchelor@iow.gov.uk
DX 56361 Newport (Isle of Wight)
Web www.iwight.com/licensing

Our Ref: LGR/L6U/041768

11 December 2012

Dear Mr Shaun Newnham

LICENSING ACT 2003 NOTIFICATION

Temporary Event Notice: The Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NE

I am writing to inform you that the Licensing Authority acknowledges receipt of your notification of a Temporary Event under section 100 of the Licensing Act 2003. The Police and Environmental Health have three working days from the time of receipt of notification in which to make objections.

If you receive no notification that the Police or Environmental Health have objected, the Temporary Event Notice may take effect on the dates requested and your notice will be returned to you.

Should you wish to discuss the contents of this letter please contact me at the above address and quote reference number 041768 in any correspondence.

Yours sincerely



Mr Shane Batchelor
Reg Support/Assistant Licensing Officer

HOLE IN WALL OF
1ST. THOMAS STREET

← 39

QUICK VIEW	Application:	Fire doors and compartment walls
	Fire resistance period:	30 minutes and 60 minutes
	Insulation/integrity:	Integrity
	Test standard:	BS 476: Part 22: 1987
	Approval type:	Certifire CF549

Fire Rated Air Transfer Grilles

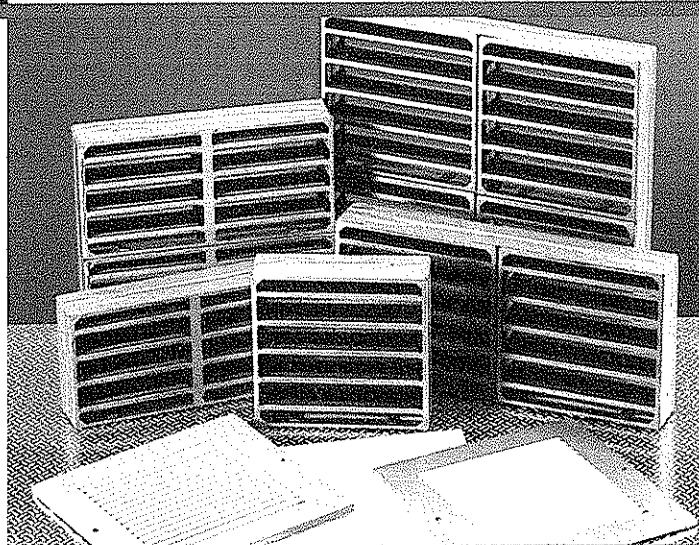
Pyroplex Limited offers a comprehensive range of Fire Rated Air Transfer Grille Systems that are suitable for use in fire resisting doorsets and compartment walls for up to 60 minutes fire resistance.

In normal use, the Pyroplex® system allows air to be circulated and moved throughout the building. During a fire the system is designed to close and provide a fire barrier to restrict the passage of hot gases.

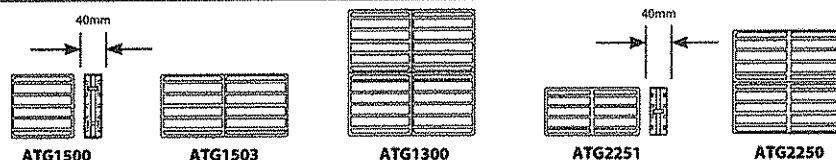
Pyroplex® Fire Rated Air Transfer Grille Systems are tested for 30 and 60 minutes fire resistance. Test Reports No.146520/146521 and 148053 apply – combined within Assessment Report No.149511.

Certifire Certificate No. CF549

Product Data



Product profile



Field of application

Pyroplex® Fire Rated Air Transfer Grille Systems have been specifically designed for use in the following applications:

- Fire resisting doorsets – 30 minutes and 60 minutes.
- Compartment walls – up to 60 minutes fire resistance.

Product features

Grilles

- Grilles are of a modular robust construction.
- The frames are constructed from Zintec Mild Steel [0.65mm thick] with matching Zintec clips.
- The system is easy to install and is maintenance free.
- Pyroplex® intumescent material is totally unaffected by water, robust, 'non-flaking' and difficult to tear.

Faceplates

- Faceplates are constructed from Zintec Mild Steel [1.0mm thick] and powder coated.
- Faceplates are supplied with fixing screws.
- Faceplates are available in a choice of three powder coated finishes – white, silver and beige.

Product range – grilles

Part no.	Dimensions [mm]	Fire resistance	Free air flow
ATG1500	150 x 150 x 40	30 and 60 mins	153 sq. cms
ATG1503	150 x 300 x 40	30 and 60 mins	307 sq. cms
ATG1300	300 x 300 x 40	30 and 60 mins	614 sq. cms
ATG2251	112 x 225 x 40	30 and 60 mins	161 sq. cms
ATG2250	225 x 225 x 40	30 and 60 mins	323 sq. cms

Product range – faceplates

Part no.	Compatibility	Free air flow
FP1500	ATG1500	150 sq.cms
FP1503	ATG1503	295 sq.cms
FP1300	ATG1300	593 sq.cms
FP2251	ATG2251	159 sq. cms
FP2250	ATG 2250	320 sq. cms

Installation instructions

The installer must ensure that the doorset/door blank has been tested with an aperture to accept an air transfer grille system for the required period of fire resistance.

Installation procedure

1. Cut the aperture in the door [The system shall be installed no closer than 150mm to the threshold and no higher than 1850mm].
2. Line the aperture with a 6mm hardwood liner.
3. Apply a bead of Pyroplex® Intumescent Acrylic Sealant centrally and spread the acrylic across the full width of timber liner, to achieve a thickness of 0.5mm.
4. Install the Pyroplex® Fire Rated Air Transfer Grille into the aperture.
5. Secure the system into place using steel pins [not supplied]. Alternatively, secure the system using self-tapping screws.
6. Fit the cover plates on both faces of the door and secure with screws provided.

Quality approval

Pyroplex Limited has a Quality Management System that meets the requirements of ISO 9001:2008, and is independently verified by BSI Quality Assurance under Certificate No. FM10371. Copies of this approval are available on request.

Other information

The information contained herein is based upon the present state of our knowledge. Recipients of our Pyroplex® products must take responsibility for observing existing laws and regulations.

Due to our policy of continuous improvement Pyroplex Limited reserves the right to amend specifications without prior notice.

Technical Data

Product testing

Independently tested by Warringtonfire for 30 and 60 minutes fire resistance. The system has been tested for positive and negative pressure planes, satisfying integrity performance for 30 and 60 minutes. Test Report No.146520/146521 and 148053 apply - combined within Assessment Report No.149511. Certifire CF549 accreditation applies.

Test reports and international standards	
Warringtonfire Test Report No. 146520 [BS 476 Part 22: 1987]	
Warringtonfire Test Report No. 146521 [BS 476 Part 22: 1987]	
Warringtonfire Test Report No. 148053 [BS 476 Part 22: 1987]	
Warringtonfire Assessment Report No. 149511	
Certifire CF549	

Material Safety Data

Composition/information on ingredients

Chemical nature: Thermoplastic element composition containing intercalated graphite in a synthetic compound with the addition of fillers and process oils. Presented in a Zintec mild steel outer casing to form the final product.

Possible hazards

Principle hazards: Not subject to decree of hazardous substances.

Critical hazard to man and environment: Not applicable.

First aid measures

On skin contact: Not applicable.

On contact with eyes: Not applicable.

On ingestion: Not applicable.

If inhaled: Not applicable.

Fire fighting measures

Pyroplex® intumescent material is self-extinguishing.

Suitable extinguishing media: Water, foam, powders and dry extinguishing media.

Special protective equipment: Suitable forms of PPE [personal protective equipment]. Avoid inhalation of smoke or fumes.

In the event of fire, contact the appropriate emergency services for assistance.

Accidental release measures

Personal precaution: Not applicable.

Environmental precaution: Not applicable.

Methods for cleaning up: No special measures necessary.

Handling and storage

Handling: No special requirements.

Storage: Store in a cool, dry place [not above +35°C] and ensure sufficient ventilation.

Exposure controls and personal protection

Respiratory protection: None normally required.

Hand protection: Not applicable.

Eye protection: Not applicable.

Skin protection: Not applicable.

Physical and chemical properties

Intumescent element	Solid
Colour	Black
Odour	Acidic

Maintenance and installation records

As this product is not subject to routine and replacement programmes, Pyroplex Limited recommend that all firestopping materials are checked on a regular basis to ensure that the product remains integral. Replace and fit any damaged components to reinstate the fire resistance.

Product guarantee

Providing the product is installed in accordance with the requirements of the guidance document the product is guaranteed for a period of 10 years.

Technical support and guidance

Should you require any further information regarding this product please contact Pyroplex Limited or visit our website, www.pyroplex.com

Stability and reactivity

Conditions to be avoided: Thermal decomposition above +300°C.

Hazardous decomposition products: Thermal decomposition, fumes contain Hydrogen Chloride. However, the activated graphite is effective at removing aromatic particles from smoke emissions.

Toxicological information

Acute toxicity: Not applicable in solid state.

Ecological information

General advice: Observe the legal provisions regarding the prevention of ground water and surface water as well as air. Do not discharge product into natural waters without pre-treatment.

Disposal considerations

Recommendations: Disposal by means in accordance with local regulations e.g. suitable deposition.

Transport information

Transport hazards: No regulations apply for the transport of this material. Not classified as hazardous for road, rail, sea or air transport.

Regulatory information

Labelling according to EEC directives	
National legislation/regulations	Not applicable
VbF classifications	None
Water hazard class	Not applicable

From: Biggs, Justin
Sent: 07 February 2013 09:57
To: MacDonald, Sarah
Subject: RE: WIGHT ROCK BAR, THE COLONNADE, RYDE

Hi Sarah,

We had a Building Regulation application submitted and approved in September 2002 for internal alterations to this property, which was already a bar previous to Mr. Newnham taking over I believe.

As there was no change of use, there was no requirement for any sound insulation works to be carried out under Building Regulation legislation.

I do recall rockwool rigid fire insulation batts being installed between the existing floor joists, and these would have some acoustic properties too. In addition the ceiling was to be boarded with two layers of fireline board, which would have added at least 1 hour's fire protection and given some acoustic performance also.

In our file there is a document produced by Custom Audio Designs, which details various acoustic measures for walls and floors, but I cannot be certain if these were adopted as not required under Building Regulations in this case, but may indicate the owner's intentions to mitigate any noise nuisance.

Our involvement was mainly for internal structural alterations and to ensure adequate means of escape in the event of a fire.

I hope this helps!

Kind regards,

**Justin St. John-Biggs BSc(Hons) MRICS | Senior Building Building Control
Surveyor | Planning and Regulatory Services | Seaclose Offices | Fairlee Road | Newport
| Isle Of Wight PO30 2QS | Tel: (01983) 823580 (Ext 5589)| Fax: (01983) 823851
Email: justin.biggs@iow.gov.uk | Web: www.iwight.com/buildingcontrol**

STATEMENT: REVIEW OF LICENCE OF WIGHT ROCK BAR

Mr & Mrs David Carr ,
■ St. Thomas' Street,
Ryde,
Isle of Wight, ■

1. March 2001

We purchased ■ St. Thomas' Street.

The property had already been granted "Change of Use" to the previous owners, to become a domestic dwelling from offices.

We were aware of the existence of Licensed Premises adjacent to the property, where wine bars, restaurants, etc., had traded, and recorded music had been played.

We were expecting a certain amount of "Town Centre" noise – the buzz of traffic, noise of crowds of drinkers outside The Crown, etc.,. Nothing that potential double glazing could not handle.

2. We lived happily with our family: no problems with noise for several years.

We received a notification from the Council – probably in 2003? – that Mr & Mrs Newnham were applying to open a Live Music Venue in The Cellar.

We investigated as best we could, and were concerned about potential loud noise in a residential "enclave", especially around the rear of our property.

We objected, but the Licence for the playing of Live Music was granted. Our reason for objecting was not the principle of a Live Music venue next door, but that we could not be sure that the Council would look after our interests and ensure that adequate soundproofing would be installed.

2. 2004/5

The owners of Wight Rock were carrying out their conversion works.

They had a problem with water leakage into their main building, and told us that our sewerage was leaking into their property. We felt this to be very unlikely, especially as the leak was of clear water, and only occurred in wet weather.

They had a drain survey carried out by a relative, but never told us the results.

Following this, Mr Newnham was observed cutting the main 4" downpipe from the roof of The Colonnade, just above his beer store, to re-route the drainpipe, to avoid it going down through his beer store. The rainwater now splashes out onto his flat roof, about 9" up.

There is now a whole area of damp wall to The Colonnade, where mould and ferns are growing out of the wall.

3. As the Rock Bar neared completion, Rock Bands carried out practices on some Sunday afternoons. It was a shock....our house literally shook!

We spoke to the owners about it, but were firmly told that as we lived in the town centre, we had to put up with it.

We wrote to Environmental Health about the noise leakage, and could we be included when the statutory acoustic tests were carried out?

We received the following letter – 04:03:05 – and assumed we could do nothing further.

4th March 2005

Mr & Mrs DW Carr
 ■ St Thomas Street
 Ryde
 Isle of Wight
 ■

Dear Sir and Madam

Licensees at the Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle of Wight

A copy of your letter to the Environmental Health Manager has been passed to this Section. Unfortunately as you have not notified the Council of any noise problem from the above mentioned premise neither the officers or the Licensing Committee were aware actually aware it was subjected to noise from saws, drills, etc.

All previous complaints were received from flats directly above the premise which resulted in the Council taking the necessary action. Until your complaint has been received and justified by a qualified Environmental Health Officer the applicants have every right to conduct the survey as requested by the licensing panel. As no evidence has been obtained by Environmental Health Officers regarding any complaint by yourself I can only ask the applicant if he will consider such additional expense.

If I can be of any further assistance please do not hesitate to contact me.

Yours faithfully,

■
 JP Murphy
 Licensing Officer



INVESTOR IN PEOPLE

Consumer Protection is part of Isle of Wight Council's
 Directorate of Environment Services

W:\Mailmerge\Indexed\Mr & Mrs DW Carr.doc



B - 103

Of course, we assumed that all necessary protection had been afforded to the properties adjoining The Wight Rock: we trusted that all the statutory procedures would have been followed.

The letter told us that, in effect, until we complained about the noise of the Live Music, nothing would be done. But.....the Wight Rock Bar wasn't to open for some time yet, so there was no way our anxieties could be investigated.

We could clearly hear the sound of drills and saws, and voices, and thus concluded that no doubt we would hear the Live Music.

But nobody would visit us, or allow us an acoustic test during the development works.

We feel strongly that it was at this point we were let down.

4. January 2006

The Wight Rock bar opened.

Throughout 2006,7,8,9,10, we were disturbed at least three nights each week, by Live Music performances. We could hear everything – even the voice of the MC on Quiz Nights – though it was less disturbing when the music was not live. The drums were always the most pervasive, juddering through the whole structure of the house. One could literally feel the vibration right through to the other side of the building.

The noise always continued until about 11pm, often over-running until 11.15pm. Once or twice a month, Special Events ran until 2am: we never had any warning, so would lie in bed “waiting” on tenterhooks, to see if it stopped, or was going to keep us awake until 2am. It was always distressing.

We were only able to occupy the “Northern” half of our property on a regular basis.

It was particularly difficult when our children were taking GCSEs and A-level exams. If an exam fell on a Thursday or Friday, or sometimes a Monday, we had to “juggle” bedrooms, due to the loud disturbance from the Wight Rock Bar the night before.

Mr Carr asked Mr Newnham on at least two occasions to come round into our house , during a live performance, to listen to the very loud noise, but he declined. Each time, Mrs Newnham was present.

We did not complain to the Council, as we assumed that all regulations had been followed, and thus this was the level of disturbance we must expect, as we live in the Town Centre.

5.

The rear passageway out onto St. James' Street is a communal area, shared by several properties, including ourselves and Wight Rock. The owners started to use it to store all their empty bottles. They placed a large red wheelie bin outside their rear exit, partly obstructing our back entrance, and the Fire Exit of the Royal British Legion. See below. We have included this as evidence of Mr & Mrs Newnhams' blatantly uncaring attitude towards their neighbours.



LOOKING EAST



LOOKING WEST

6. Autumn 2010

Mrs Carr went in to Wight Rock to see the owners, and asked them if it would be possible to warn us, with a note through the door each week, when "Live Music" would occur. At least we could juggle our visitors to avoid these nights. They did this for a while.

Whilst Mrs Carr was in there, she made a remark – indicating the wall behind the stage – that "our hall is just behind the band, there". Mr Newnham said that it wasn't, as there was a small yard out there, through the hatch.

This was an extraordinary discovery.

Mr Carr asked Mr Newnham if we could come round and view this. After some difficulty, we managed to make an appointment, and we were allowed in for a quick look at the shaft. Mr Newnham said that he wanted a roof over this. To keep it dry, and to prevent the pigeon droppings, which were a nuisance.

We said that if we could fit a "sound baffle" within the shaft, this would act as a roof. Subsequently we drew up some suggested plans for a sound-absorbing sound baffle.

7.October 2010

Mrs Carr visited The Land Registry in Portsmouth. She paid for a copy of the official Title Deeds to our house.

The Land Registry official looked at the plans with her, and observed that it appeared that the shaft was part of our title, but we should check with a Solicitor to be sure.

A few days later, we consulted the Solicitors Malcolm Daniells, of Cross Street, Ryde, who specialize in boundary issues. They examined all the documentation, together with photographs, etc., and confirmed that the shaft constituted part of our property.

8.

We consulted Mr Justin Biggs, the local Building Inspector, who confirmed that our "baffle" idea was acceptable.

We could break an access door through our hall wall, to implement the works. We could fit a fire door in the aperture, but if we just filled it in after works were completed, then we would not need Building Regs. approval.

We showed our plans to Mr & Mrs Newnham, and to the Management Committee of The Colonnade, and no one objected.

9.

Then we had to put all works totally "on hold", as Mr Carr became very ill with Menieres' Disease, and we could take no more action for over a year.

10.February 2012

We feared that the vent in the shaft, cut through the 1 hour fire doors of the Wight Rock Bar, could be a Fire Hazard: if Wight Rock caught fire, flames could roar through the vent hole unhindered, and be sucked up the "chimney" of the shaft, to affect the flats above, and the overhanging roofs – both ours and that of The Colonnade.

As we were worried, we asked the Fire Safety Officer to call. He climbed a ladder from our back courtyard, and peered down into the shaft. He said that it was very unlikely to be a fire hazard, and we should not worry.

We took his word for this, though we were not entirely happy.

11. March 2012

In early March, the noise from the Live Music was very loud and disturbing.

Four or Five times a week, and very, very loud.

Our daughter, down from University, visited Wight Rock, and said that she and her friends had to leave after half an hour, as it hurt their ears. She said she feared for the state of hearing of the regular customers, and observed that the owners would undoubtedly be deaf before too long.

We were absolutely desperate. Mr Carr was not well enough to carry out any soundproofing works, and other people said "Why on Earth should you? That noise shouldn't be allowed!"

Our lodger since 01:06:11, Mrs Helene Allen, was disturbed both by the noise entering the house through the hall and bedroom walls, AND the noise emanating from the rear fan by the back exit of Wight Rock,, which pounded across the yard to her first floor bedroom at the other end of the property.

Visitors were always disturbed. We had to try to avoid inviting people to stay on Wednesday-Saturday inclusive.

We contacted Environmental Health.

They sent a warning letter to Wight Rock. It made absolutely no difference.

We called out the Environmental Health during an evening performance. Two officers came, and stayed for over an hour. Their report is as follows:

Request for Information Reference : lw12/11/46069

Call from Mrs Carr at 2045hrs. Arrived at 21:35. Noise heard from live band in hallway - A 1st and 2nd floor bedrooms and a snooker room. At a level that would be sleep disturbing and affect use of room for watching TV, studying, rest and relaxation. Appeared to be a live band. Stopped 22:15 - male singer 70s rock type music "boys are back in town". Started 22:30 female singer. IP said noise coming out of hatch and up a void between there properly and the builder which Wightrock bar is basement for. Went into Wight rock. Spoke to Mrs Newman. Explained what we had heard. She said opening was a hatch and this was double doored. Covering behind band so not able to see if hatch door open. Told Mrs Newman we would phone her next week to meet her during the day. Further evidenced required to prove frequency of these event unreasonable. Told IP to keep logs and return them.

12.

As instructed, we kept a "Log Sheet" for the next 14 days, and returned it to Mr Duncan MacDonald. Following this, the Wight Rock owners were visited by Environmental Health. This was then followed by a letter from Mr & Mrs Newnham, on 02:05:12, acknowledging that the fan in the shaft was the main cause of our noise leakage problem, and proposing that they remove it altogether, and soundproof the whole door area. See below.

Shaun & Debbie Newnham
The Wight Rock Bar
Lind Street
Ryde
Isle of Wight
PO33 2NH

Mr & Mrs Carr
[REDACTED] St. Thomas Street
Ryde
Isle of Wight
[REDACTED]

02 May 2012

Dear Jackie and David,

Thank you for your letters of both 19th and 26th April, 2012.

You will recall that you first raised this issue over a year ago. At the time, you stated that you would be happy to carry out remedial soundproofing works from your side, and that you were willing to meet the expense of same.

Since that time, it is clear that you have for some reason not commenced the works.

We have now been contacted by the Environmental office of the council, informing us of the recent complaint made by yourselves. In addition, it seems you have contacted the Fire Officer in relation to this matter. This seems strange to us to be honest, in light of the above.

It also now appears that you wish us to foot the bill for the works.

We of course wish to be responsible as neighbours, and are concerned that sound is escaping from our premises into the void area between our two properties. We have no wish to deliberately cause nuisance to others. Consequently, we have decided that we will carry out our own sound reduction measures, at our expense.

This will be done from our side, therefore there is no requirement for you to compromise your existing wall structure, which may even result in your hearing more sound.

Firstly, we would wish to make it clear that no, we would not be agreeable to your making a means of access into the area. There has quite evidently been a substantial doorway of some sort from our side for a considerable number of years, and see no reason for this situation to be altered. This makes complete sense, given the presence of windows on the floors above us, which might at some point require access from below. By contrast, there are no windows or openings at all from your property on the wall adjacent to the void. It seems to us that the most likely scenario was that the area was effectively "trapped" by the building of your property, some years ago.

It is quite obvious that the existing fan aperture is a major source of any noise "leakage". It is therefore our intention to remove it altogether, and install a third substantial heavy panel to the whole area of the hatch, flush with the existing wall. Layers of soundproofing material will then be added behind and between the existing hatch structure. This negates the requirement for and expense of a fan attenuator. We are of the opinion that these initial steps should result in a considerable reduction in the levels of sound previously escaping via the fan.

The suggestions indicated by your drawings, etc. are of some concern to us anyway, as permissions would be required to attach the suggested structures to the wall of The Colonnade and the properties above us. Importantly, any such "platforms" would almost certainly result in a worsening of the already severe problem of pigeon roosting and the accompanying excrement.

We will commence the work we have proposed, as soon as possible, budget permitting.

Hopefully this will bring about a drastic reduction in the present sound leakage levels.

In closing, we would thank you for your kind comments in support of our activities.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Shaun & Debbie Newnham

13. The Newnhams said that they would commence the work as soon as possible, "budget permitting".

We forwarded the letter to Claire Van Heerden, of Environmental Health, who said that she was pleased that the Wight Rock owners had admitted responsibility for a nuisance, and from their letter appeared willing to take remedial action.

See e-mail 11:05:12 below.

New | Reply | Reply all | Forward | Delete | Junk | Sweep v | Mark as v | Me

The Wight Rock Bar

[Back to messages](#) |

2 messages | 0 unread | [Show all](#)

Van Heerden, Clai

09:32

To [REDACTED]

[Reply](#) v

Dear Mr and Mrs Carr,

I have been copied into Mr Newnhams letter in response to yours, and I was therefore satisfied that he was taking some action.

I was intending on waiting a short while to enable Mr Newnham to 'get the ball rolling', before calling him back.

I will of course keep you up to date with any further proceedings -- I am mindful that some of the suggestions may require legal advice ie: changing the access to the void space etc... and therefore have allowed the Newnhams time to fully consider options to them.

At this stage however I am pleased that it is their responsibility to take action to prevent a nuisance and they from their letter appear willing to do so.

Enjoy your time away and I will be in touch.

Kind Regards

Claire Van Heerden | Trainee Health Protection Officer | Planning and Regulatory Services
Isle of Wight Council | Jubilee Stores | The Quay |
Newport | Isle of Wight | PO30 2EH
Tel: 01983 823000 ext: 6127 | Fax: 01983 823158
email: claire.vanheerden@iow.gov.uk | web: www.iowight.com/

Jackie Carr

10/05/2012

Mrs Claire van Heerde...

[Show](#)

New | Reply | Reply all | Forward | Delete | Junk | Sweep v | Mark as v

[Move to](#) v | [Categories](#) v |

14. Nothing happened. We contacted Claire Van Heerden on 10:07:12, who subsequently contacted the Newnams. She was told that they had reassured her that the works would be going ahead, as previously discussed.

See e-mail of 18:07:12

T2012

Hotmail Print Message

Wight Rock

Van Heerden, Claire (Claire.VanHeerden@COM.gov.uk)

18 July 2012 14:01:07

'Jackie Carr' [REDACTED]

Dear Jackie,

Thank you for your patience.

I have spoken with the premises licence holder at Wightrock and have been assured that the works are going ahead as previously discussed. He mentioned that they have been away for a quite a while and as such the premises was not open. Nevertheless, one hopes that this will take place soon and will resolve the situation.

In the meanwhile, I would like to inform you that the Environmental Health out of hours service will be operating from Friday 3rd August 2012, and the each Friday and Saturday night after that. They are contactable through the Wightcare service on 01933 821100, and you can contact officers if you are experiencing a nuisance, or if the works discussed do not remedy the problem.

Thank you for keeping me up to date of the situation.

Kind Regards

15.

30:07:12. When there was still no progress. We wrote to Mr & Mrs Newnham, to ask if works would be completed by the end of August, as we had an elderly lady who wished to move in with us as a second tenant. She would need to use the large front bedroom adjoining The Colonnade, which was unusable at the time, due to the noise nuisance, both throbbing up the shaft, and – as we now since been advised – throbbing through the iron core of the adjoining Colonnade.

We had no reply, but on 09:08:12, Mr Carr met Mrs Newnham outside, and asked how the soundproofing was progressing, and would it be completed by the end of August. Mrs Newnham replied that due to lack of money, it would not. She told him that they had put a sheet of plywood over the vent. When Mr Carr observed that it had made no difference, she said then they would remove it, and be able “to breathe again.”

We wrote to Claire Van Heerden, who said that her Department could not force the Newnham to work faster on their soundproofing, but we should now go down the “Statutory Nuisance” route again, and keep Noise Logs, and call out Officers every time there was a noise nuisance.

16.

By now we realized that the Newnhams had no intention of carrying out any soundproofing work, When Mrs Carr visited Claire Van Heerden, she was told that the owners would know, that as long as they kept saying that they were still going to do the work, they would “keep us at bay”, and yet put it off indefinitely.

We realized that if we were ever to have a peaceful, saleable property, we would have to do soundproofing for ourselves.

We informed the Newnhams, and the Council, that we would like to start works on September 27th, at our expense.

Mr & Mrs Newnham agreed, though they were worried about the problem of pigeon droppings down the shaft, and wanted us to fit a net across the space, and use dissuasive gel, where the birds would probably perch.

We replied that it would not be possible to do this – too dangerous – but that we intended to fit a roof over the baffle, which would intercept the droppings.

17 27:09:12 We commenced work as planned.

We knocked out an access hole from our hallway. The brick rubble crashed down unimpeded to the base of the shaft, some 8-11 feet below, as expected.

Over the next few days, we tidied away rubble, and inserted the metal supports for the baffle.

18.

In the base of the shaft was an old machine – rusting through in places – dented, and oozing rusty water. It had had heavy masonry falling on to it, from a height of 11 feet.

As the Newnhams had had over two weeks warning to clear the shaft, we assumed that it was some old, redundant piece of machinery left by a previous owner. It appeared to be connected up to some old, electric wires. Mr Carr tested these with a voltage tester, and they proved to be dead, so he unscrewed 4 connectors, and removed the metal box from the shaft.

We placed it in our back yard, to be out of the way.

The baffle could not be constructed with it still in position, and in any case, it had been left on our land.

19. We realized, on gaining access to the shaft, that it was very different from what we had imagined.

Our original plans would need to be modified. Sand trays were not appropriate, so we took advice from Dempseys and ordered 90 sandbags.

We had not asked to have any extra investigatory access through the Wight Rock Bar, as we found the owners very intimidating. On previous occasions, when Mr Carr has asked Mr Newnham if we could come in to see, he had been told “I don’t know when. I’ll see. Maybe never.”

We felt more comfortable doing all work from our side.

20.

Around October 16th 2012, Mrs Newnham came round to our house to ask why we had removed their air-conditioning unit. We apologized, and said we had had no idea that it was anything other than an obsolete old piece of junk, left there by someone in the past. We had removed it, as it was in the way of the baffle.

Mrs Newnham said “We forgot about it!”

We said that it was in our back yard. We took Mrs Newnham through our house into the kitchen, and Mrs Carr pointed out where it was – just below the kitchen window.

She said she would consult with Justin (Mr Biggs) as to where to resite it.

We said that they could have it back when they wanted.

She left. From what she had said, it was apparent that she had not grasped the fact that the shaft is part of our property.

21.

The Newnhams, concerned about possible damp, had called Mr Biggs to check up.

He visited us, and looked down the shaft. He agreed that we could adapt the original plan, and use sandbags, as long as we kept them at least 6-8 inches away from the Newnhams wall.

He suggested that we put them all in, then seal up the wall again.

If future maintenance was needed, we could access through the Wight Rock Bar, applying for legal access if necessary.

Mr Biggs said we could actually do what we liked, as it was our shaft. It was nothing to do with Building Regs..

22. Then, on 19:10:12 we received the following upsetting letter:

Mr & Mrs Carr
31, Thomas' Street
Ryde
[REDACTED]

19th October 2012

Dear David & Jackie,

Further to our meeting last Friday and having spoken to Justin Biggs at Building Regs and also the planning department, it is clear to us that we were wrong and very much regret giving you permission to proceed with the soundproofing of the shaft area.

Upon inspection of the shaft we have discovered that the work has no resemblance to the plans that you showed us. The structure you are erecting seems to be very "Heath Robinson" and will, without doubt impede our airflow. This was calculated to give sufficient air for our premises. We are also already aware of a damp, musty odour coming into our property from the shaft. The use of sandbags in this situation is totally unacceptable. It is in no way a long-term solution, as they will deteriorate over time, causing no end of problems. In addition, there is the issue of the smell that will result from them becoming damp, which will not only cause us a problem but also the flats whose windows back onto the shaft. You have to appreciate that we can not allow you to re-introduce the problem of damp, when we have gone to great lengths to eradicate it from this property.

To take it upon yourself to disconnect our functioning air-conditioning unit, and remove it from our premises without our knowledge or permission is quite frankly outrageous and completely unacceptable. As commercial premises we have a duty of care to our customers for their safe environment, this requires that the installation & removal of equipment be carried out by a qualified electrician. As the unit was live this could have caused electrocution or indeed a fire.

We must therefore inform you that we wish you to STOP all works and remove all sandbags, then re-brick the hole you have made in your hallway in order to gain access to the shaft, this we feel is a security breach into our property. We will be invoicing you for the replacement of our air-conditioning unit, this you should be aware will be in the region of £450 plus the electricians fee for re-installation.

Should you not see fit to comply with our wishes, we will be left with no alternative but to seek legal advice and possibly representation in this matter.

Yours sincerely
[REDACTED]

Debbie & Shaun Newham

22.cont..

The Newnhams said that if we did not comply with their wishes, and remove everything from the shaft and re-brick up the wall, they would seek legal advice.

It was at this point that we realized that we, ourselves, needed legal advice, and subsequently engaged the help of Mr Robin Price of Wilks, Price Hounslow.

We were told to leave everything in place.

Mr Price wrote to the Newnhams on 15:11:12, asking that the remedial works which they had outlined on 02:05:12 be implemented within 28 days, or we would be forced to initiate a Review of Licence, which was the course of action suggested to us by the L.W. Council Licensing Department.

Mr and Mrs Newnham wrote to us the next day, saying that our works were not as bad as they had thought, and we could continue, but had to be responsible for their drain. This would clearly not be feasible.

See letter.

Mr & Mrs Carr
 [REDACTED] St Thomas' Street
 Ryde
 [REDACTED]

16th November 2012

Dear David & Jackie,

Further to our letter of 19th October, to which we have had no reply.

We inspected the shaft area the other night and can see that you have now finished the work though this appears not to the plans supplied to us, it looks a little better than it did a few weeks ago. As such, we are happy for you to retain the structure as is, but it must be clearly understood that sandbags cannot be placed against the wall of our property.

Would you please confirm that as sandbags have now been used, you and any subsequent owners of your property will ensure that the area will be your/their responsibility for upkeep.

Would you also confirm if you wish us to invoice you for the replacement of our air-conditioning unit.

Yours faithfully

[REDACTED]
 Debbie & Stuart Newnham

After the 28 days, the works outlined on 02:05:12 had not been implemented, and thus we commenced the Review of Licence procedure.

23.

During the months of November, December, January and February to date, the noise from Live Music performances has continued to disturb us.

See the following Log.

(From 8.11-12)

ISLE OF WIGHT COUNCIL
Diary log sheet to evaluate noise nuisance



Complainant Name: Mr & Mrs David Carr

Complainant Address: [REDACTED] Thomas Street, Ryde, Isle Of Wight, [REDACTED]

Request for Assistance No: 048952/JH1 Date received: 5 March 2012

(Please quote in all correspondence)

Address/location of where noise originates The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33 2NF

Name of occupier if known: The Wight Rock Bar

Date/Time Noise Occurs (eg 2/4/97 02:00am)	Where Noise Heard (eg Bedroom)	Description of Noise & Duration (eg Rock Music from 12:00 to 02:00am/extractor fan continuous)	Affect upon you (eg Sleeplessness)
8/11/12	WHOLE HOUSE	LOUD ROCK MUSIC	UNABLE TO LEAVE FREELY IN HOUSE HAVE TO COVER IN H. STG. OF EARS AND HAVE TV OR OWN MUSIC GO LOUDLY, UNTIL WORK STOPS.
9/11/12	"	"	"
15/11/12	"	"	"
16/11/12	"	"	"
17/11/12	"	"	"
22/11/12	"	"	"
23/11/12	"	"	"
24/11/12	"	"	"
29/11/12	"	"	"
30/11/12	"	"	"
2/12/12	"	"	"
6/12/12	"	"	"
7/12/12	"	"	"
8/12/12	"	"	"
14/12/12	"	"	"
20/12/12	"	"	"
21/12/12	"	"	"
23/12/12	until 2 am	"	"
23/12/12	"	"	"
31/12/12	"	"	"

24.

On Friday 1st February, at about 6pm, a Police Officer called at our house. Alarming, initially, when one's three "20 something" children live all over the U.K..

The Police Officer said that the Newnhams had called the Police, as we had stolen their air conditioning unit.

This was clearly ridiculous.

We showed the Officer the unit, which had been stored in our yard. Mrs Newnham knew where it was – we had shown her – and told her they could have it when they wanted it.

Our Solicitor, Mr Price, had written to the Newnhams and reminded them that the unit was awaiting their collection.

We had stored this unit for three and a half months. We can only conclude that the Newnhams had waited so long, hoping that we had thrown it away, so we could be forced to buy them a nice, new replacement! (note last sentence of their letter of 16:11:12)

The Police Officer, and Mr Carr, carried the unit through our kitchen, out of the back entrance, and placed it by the rear gate of the Wight Rock Bar.

The Police Officer told us it was blatantly a civil matter, and returned to the Newnhams to tell them where their unit had been put.

We consider this incident to constitute a total waste of Police time, and Tax Payers' money.

Mr Newnham, for some reason, has now moved the unit back onto our land, under our rear entrance passageway. We enclose a photograph of this machine, taken on 16:02:13, to illustrate how its rusted and "abandoned" appearance led us, not unreasonably, to believe that it was obsolete.



CASE RUSTED
THROUGH

25.

During the 28 day "consultation time", we have become aware of the extensive disturbance afforded by the Wight Rock Bar live music sessions to the rest of The Colonnade building.

The early 19th century building is constructed with an iron frame, and however much soundproofing material is added to the ceiling above Wight Rock, the sound transmits up the iron frame.

Apart from the commercial premises, which are apparently unusable during live music, but are not normally occupied in the evenings, the main victim of the inadequate soundproofing is Flat [REDACTED] which extends over the Wight Rock Bar at 1st floor level. The other flats directly above, are [REDACTED] and [REDACTED]

Please note these witness statements from the current occupier of Flat [REDACTED] Thelma Edmunds, and from the owner, Alison Monteith, who has lived in the flat.

Please also see the statement from Tina Betteridge, who occupies No [REDACTED]

} P18 + 19

It is apparent, as mentioned before, that the noise also transmits directly into our masonry, via the iron frame, as we are essentially part of the same building. This is especially apparent in the parts of our home which share a party wall with The Colonnade.

26.

On further investigation, and with information obtained by the I.W.Council Licensing Department, we have established that prior to the issue of the Live Music Performance Licence to the Wight Rock Bar, no acoustic tests of any kind were carried out – either to assess the effectiveness of the ceiling insulation, or to test noise leakage from the two large, unattenuated extractor fans which had been installed.

27.

The soundproofing to the ceiling was installed by the owners as a D.I.Y. job, but it has been identified, as a result of enquiries by the Licensing Department, that there is no record of this installation being checked by anyone, at any stage.

There were no "stage photographs" taken by the owners, nor receipts kept of the materials used.

Therefore, we do not feel it is unreasonable to expect that thorough acoustic tests should now be carried out by a Professional body, and any remedial works identified should be implemented.

28.

We note the comment issued online by Ryde Town Council for this review:-

They request that the owners of the Wight Rock Bar take "Up-to-Date Professional Advice" regarding the source of the noise nuisance, and that the recommendations made should be implemented.

They state that failure to do so should result in the revocation of the Licence.

29

Mr & Mrs Newnham have raised the question of the construction of our house wall, adjacent to the shaft, implying that it is of inferior quality, and thus not possessing the same "sound proofing" qualities of a cavity wall.

Mr Justin Biggs, who visited [REDACTED] St. Thomas' Street, on 11:02:13, assured us that our wall – a solid 9" brick wall – possessed AT LEAST the sound resistance of a cavity wall.

To: joel.lalor009@hotmail.com



To whom it may concern

I have been a tenant at Flat [REDACTED] The Colonnade, above the Wight Rock Bar, for nearly two years. Together with my two teenage daughters we realise, on moving above a live music bar, that there would be a certain degree of noise to which we have tolerated. There have been some evenings when it has been particularly rowdy and loud. Our main problem is the noise which goes on beyond midnight during weekdays, particularly Wednesdays and Thursdays but only when the volume seems to increase after 11 am. It is particularly difficult to hear the television in the living area beyond 10pm when the club is open and the smoking area is in full swing.

The evening of the 22nd December really was intolerable though. Having a 6 0'clock drive to the North East the following morning I didn't take kindly to my apartment vibrating to a heavy drum beat and bass drone until three in the morning. My bedroom is at the front of the apartment opposite the NATWEST building and it was as if the band/noise was actually in my own dwelling. The bathroom and back bedroom just shook, and the vibrations could be felt under foot throughout the entire apartment..

Is there nothing that can be done to dampen the sound so it does not affect residents in the apartment buildings and the houses adjoining the bar as it moves adjacent to the apartments along St Thomas's Street? Though parties do happen and there are special evenings of some very good music it is unfair for the peace and quiet of our own residencies to be disturbed to such a degree into the early hours of the morning. Sound dampening would mute the impact immeasurably, of our dwellings at least.

I urge the companies concerned to consider the impact on residents/tenants and ask that sound dampening could be a positive, as well as vital, action for all concerned.

In anticipation of a greater understanding for all concerned.

Yours sincerely

[REDACTED]

Thelma Edmunds

Hand Delievered COPY

WITNESS STATEMENT

TO WHOM IT MAY CONCERN

19

I Live on the Top Floor Flat Above Wight
Rock Bar.

I work nights so most of the time I am not
in when the club is open.

But when I have the odd evening Saturday night
off and I can hear the music.

TINA
BETTERIDGE

T. BETTERIDGE Flat [REDACTED] COLONNAD
LAND STREET.

WITNESS STATEMENT

LICENCE REF: Premises Licence : 1863

YOUR COMMENT DETAILS

NAME: Alison Monteith

ADDRESS: [REDACTED]

TEL NO:

EMAIL: [REDACTED]

COMMENTS: We own no [REDACTED] The Colonnade. I am aware that there are petitions etc to save the Wight Rock. All very heart warming; it is a great venue and an asset to the night life in Ryde. But would any of the petition raisers be prepared to buy a flat above the Wight Rock? We bought the flat at about the same time Sean and Debs aquired the Rock, when their declared intention was to be a coffee venue/cafe bar. We rent the flat out easily; it's a great flat. But would anyone want to buy it now? I doubt it very much. So; a great live venue, an asset, but a blight on the residential Colonnade and those around it. Sorry.

30.

Mr & Mrs Newnham have also implied that we are carrying out "unpermitted development". This is totally unfounded. The only development we have ever considered was the conversion of part of the ground floor to form a self-contained flat, and we obtained full Planning Permission for this in early 2006: (P/00042/06 – TCP/23871/B).

At the time, Mr & Mrs Newnham objected, saying that our drains were faulty, and that we could not form a flat near their premises due to the noise from their Live Music: even though the flat was to be sited in the Northern half of the house, right away from Wight Rock.

In the event, we have not continued with this, as the flat was to use the rear entrance out to St. James' Street as its main entrance.

Due to the "cluttering up" of this passageway with bottle bins and cartons, the loud crashing of bottles emptied INTO same, such as happened at 11.15pm last night! (15:02:13), and deliveries of beer barrels, we felt that this was not conducive to a quality main entrance to what would have been a lovely, spacious period flat.

Mr & Mrs Newnham have also stated that our so-called "unpermitted development" has been confirmed by Mr Justin Biggs, the local Building Inspector.

This is not correct, as a Council professional would NEVER discuss any resident's affairs with an outsider, and the information was erroneous anyway.

31 Smoking Area

There is also another area of concern: disturbance afforded by the "smoking area".

We have not mentioned this before, but during the Consultation Period we have become aware of the disturbance afforded by this "pit" to the flats above: particularly Flat [REDACTED]

The accompanying photographs illustrate the proximity of this often noisy outside area, to the lounge and kitchen windows of Flat [REDACTED] only about 10' above the top of the pit.

We are also disturbed by the shouting and revelry from this area in the front rooms of our home.

It seems to us, that the noise down in this smoking area, has nowhere to escape except "up". This, we feel, constitutes more than just "Town Centre" noise. It is concentrated, "focused" noise.

Just two or three rowdy people is all that is needed to create a disturbance. I quote from e-mails from the owner of Flat 9: disturbed by ".....smokers yelling at each other as they took a fag break under our living room window...." ..".....noise and wafting smoke even when there isn't a live music event...".

32.

Mr Carr and I are NOT killjoy, fuddyduddy music-haters.

I, myself, was Head of the Music Department at a Southampton Middle School.

I have worked with literally HUNDREDS of young students – making music of all kinds: producing Concerts, supporting Bands, and enjoying helping to instil a lifelong love of Music into these young folk.

No. My husband and I just wish to claim our right –and that of our neighbours – to peaceful enjoyment of our own home.

Are they really aware of the Nature of the Problem?

Mr & Mrs Newnham have written that they think we have called this Review due to the disagreement over the air conditioning unit.

To us, this illustrates their lack of understanding of the problem, which is about excessive noise levels, coupled with inadequate soundproofing, neither of which they emphasis in their response. To further illustrate their lack of appreciation of the problem, we enclose two personal e-mails, sent to us from Alison Monteith, the owner of Flat [REDACTED] (p22)

The e-mail dated 29:01:13 was in response to our request for a Witness Statement.

The e-mail dated 17:02:13 was in response to our request for permission to make public a particular part of her first e-mail.

Despite the fact that Ms Monteith considers that Wight Rock renders her flat unsaleable, and despite the despair of the tenant in Flat [REDACTED] the response from the Newnhams has been to "defriend" Ms Monteith from Facebook.

Where is the sympathy and empathy?

Conclusion

We feel the the I.W. Council have let us, and residents of The Colonnade, down, for the last seven years.

We trusted that standards had been applied, and that we were afforded a proper measure of protection against noise nuisance.

The Newnhams' statement claims that "All live music finishes at 23.00 on all days". This is not so.

We have heard live music performed until 1 or 2 am, on some occasions.

When the bands play even a few minutes after 11pm, we have no way of knowing if we will be kept awake until as late as 2am: it is very distressing.

The Environmental Health Department claim that they have had no complaints after 11pm, concerning the premises. In March 2012, when we first tried to call officers out, at about 9pm, they were engaged on another case. When they eventually phoned us back, it was after 10.30pm – Wight Rock was in full swing – but the Officers told us that as they finished work at 11pm, it wasn't worth their coming out to us on that occasion.

This is why there are no complaints after 11pm!

It should also be noted that they only work on Fridays and Saturdays, and did not work during the Summer months.

Ideally, now, we would like to see this Licence immediately revoked, until the noise leakage is totally eradicated.

This is an unlikely event, and thus we request that a condition be attached to the Licence.

This would involve the temporary cessation of the Live Music element of the Licence, until advice from a Professional Acoustician, following comprehensive sound testing, is sought and implemented.

Live music from the Wight Rock Bar must be inaudible outside that premises.

FW: IWIGHT.COM - Confirmation of received comments for Licensing Consultation Scheme - 1863

From: **Alison Monteith** [REDACTED]
Sent: 29 January 2013 15:27:45
To: [REDACTED]

Jackie

Thank you for your email. Happy to hear from you!

I was aware that you had called for a review of the licence of the Wight Rock. I follow them on Facebook, so have been very aware of the swell of support for them, as well.

When we bought No. [REDACTED] which was as Debs and Sean bought the bar, we used it regularly whenever we were down. This was before it became the live music venue it is now. Even then, we were disturbed by the noise from the entrance, particularly the smokers yelling at each other as they took a fag break under our living room window.

I have sent you the confirmation I have received of receipt of my response on the on-line consultation. As I know Debs and Sean I felt I needed to tread a diplomatic line. I do think impacting on people's lives in this manner; and this is the first time I have heard how bad things are for Thelma and her family. This is a residential area, for goodness sake! And some of the knee-jerk reactionary comments about "don't buy a flat above a live music venue if you don't like live music" is just immature. Keeping anyone awake and disrupting their right to a sanctuary in their home is wrong.

Hotmail Print Message

Page 1 of 2

Wight Rock Review

From: **Alison Monteith** [REDACTED]
Sent: 17 February 2013 18:19:31
To: [REDACTED]

Jackie

Why the devil not; I have been defriended on Facebook, so nothing to lose! I have only told the truth, anyway. Noise from music is one thing, but there is noise, and wafting smoke even when there isn't a live music event.

I did get irritated by one of the comments, to the effect that if you are an old fuddy duddy who doesn't like music and wants to be in bed with your cocoa by 9.00pm don't live by a music venue, but which came first? This is a residential area. Also, surely this is about choice. The choice to listen to the music you want to, when you want to. To be able to sleep, and rest in your own home, to your own hours. I doubt any of the sneerers would like to be woken by noise at 5.30am, would they? But that is the equivalent, isn't it.

Good luck, I don't envy you.

Regards

INVOICE

WOLSELEY CENTERS

Despatch Date & Tax Point	Charge Note Number	Order Date	Customer Order Number
04 FEB 04	6U 100468/1	03 FEB 04	

Invoice to:-

C COKES GROUNDWORK CONTRACTOR
ROSEDALE

85 HIGH STREET
WOOTTON BRIDGE
ISLE OF WIGHT

PO33 4IU TEL: 01983 885111

0012830/0030822/00/1of1/**73413

Payable to:
Wolseley Centers Limited
PO Box 68
Boroughbridge Road
Ripon
North Yorkshire HG4 1XY
Telephone: (01765) 690990
Facsimile: (01765) 694525

Delivery Address:-

CHURCHILLS BAR
CORNER LIND ST/ST THOMAS ST
RYDE IW

Method of Despatch OUR TRANSPORT

BUILDER CENTER
CONTROLS CENTER
DRAINAGE CENTER
PIPELINE CENTER
PLUMB CENTER
TIMBER CENTER
HIRE CENTER

Invoice Number

7 2 8 3 7 8 2 5

Invoice Date

05 FEB 04

Account Number

7519Y48/6U

Queries to:- MAS

BUILDER CENTER

MANNERS VIEW

DODNOR INDUSTRIAL ESTATE

NEWPORT

ISLE OF WIGHT

PO30 5FA TEL: 01983 524218

FAX: 01983 821944

WOLSELEY CENTERS LTD. VAT Registration No. GB 362 0233 93 Registered in England 636445

Catalogue Ref.	Description	Quantity Sent	Unit	Nett Price (After Terms)	Per	Terms (For Info. Only)	VAT Rate	Nett Value
H19605	ROCKWOOL 1200X600X50MM SLAB PACK	21	RW3	22.000		NETT	17.50	462.0

Paid 5-3-04

Carriage & Packing	0.00	Total excluding VAT	462.00	Total VAT	80.85	INVOICE TOTAL	542.85
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Prices charged will be those ruling at date of despatch. No Material may be returned unless invoice number is quoted and prior arrangements are made with the branch that supplied the goods

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INVOICE

WOLSELEY CENTERS

Despatch Date & Tax Point	Charge Note Number	Order Date	Customer Order Number
22 JAN 04	6U 098675/1	13 JAN 04	CHURCHILLS

Invoice to:-

C COKES GROUNDWORK CONTRACTOR
ROSEDALE
85 HIGH STREET
WOOTTON BRIDGE
ISLE OF WIGHT
PO33 4LU TEL: 01983 885111

0012826/0031733/001of1/73413

Payable to:-
Wolseley Centers Limited
PO Box 68
Boroughbridge Road
Ripon
North Yorkshire HG4 1XY
Telephone: (01765) 890680
Facsimile: (01765) 894525

BUILDER CENTER
CONTROLS CENTER
DRAINAGE CENTER
PIPELINE CENTER
PLUMB CENTER
TIMBER CENTER
HIRE CENTER

Invoice Number

7 2 3 5 4 2 3 3

Invoice Date

22 JAN 04

Account Number

7519Y48/6U

Delivery Address:-

CHURCHILLS BAR
CORNER ST THOMASE'S
AND LIND ST
IW

Quoted to:- MAS

BUILDER CENTER

MANNERS VIEW

DODNOR INDUSTRIAL ESTATE

NEWPORT

ISLE OF WIGHT

PO30 5FA

TEL: 01983 524218

FAX: 01983 821944

Method of Despatch OUR TRANSPORT

WOLSELEY CENTERS LTD. VAT Registration No. GB 362 0233 93 Registered in England 636445

Catalogue Ref.	Description	Quantity Sent	Unit	Nett Price (After Terms)	Per	Terms (For Info. Only)	VAT Rate	Nett Value
H00933	GYPROC TE FIRELINE BRD 2400X1200 12.5MM ***** DELIVER 50 NOW AND BALLANCE WHEN IN PLEASE ***** SEE FATS	64		5.790		NETT	17.50	370.56

Total £762.98

Storage & Packing	0.00	Total excluding VAT	370.56	Total VAT	64.85	INVOICE TOTAL	435.41
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We warrant that the material is as described and that the quantity is as stated. No material may be returned unless invoice number is quoted and prior arrangements are made with the branch that supplied the goods.

WOL020230104_WB_SIN4098 MACHINE OUT

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INVOICE

WOLSELEY CENTERS

Despatch Date & Tax Point	Charge Note Number	Order Date	Customer Order Number
23 JAN 04	6U 098675/2	13 JAN 04	CHURCHILLS

Invoice to:-

C COKES GROUNDWORK CONTRACTOR
ROSEDALE
85 HIGH STREET
WOOTTON BRIDGE
ISLE OF WIGHT
PO33 4LU
TEL: 01983 885111
0016440/0033716/00/1of1/734

Payable to:-
Wolseley Centers Limited
PO Box 88
Boroughbridge Road
Ripon
North Yorkshire HG4 1XY
Telephone: (01765) 690890
Facsimile: (01765) 664525

BUILDER CENTER
CONTROLS CENTER
DRAINAGE CENTER
PIPELINE CENTER
PLUMB CENTER
TIMBER CENTER
HIRE CENTER

Invoice Number	7 2 4 0 4 4 8 8
Invoice Date	23 JAN 04
Account Number	7519Y48/6U

Delivery Address:-

CHURCHILLS BAR
CORNER ST THOMAS'S
AND LIND ST
IW

Queries to:-

MAS
BUILDER CENTER
MANNERS VIEW
DODNOR INDUSTRIAL ESTATE
NEWPORT
ISLE OF WIGHT
PO30 5FA
TEL: 01983 524218
FAX: 01983 821944

Method of Despatch

OUR TRANSPORT

WOLSELEY CENTERS LTD. VAT Registration No. GB 362 0233 93 Registered in England 636445

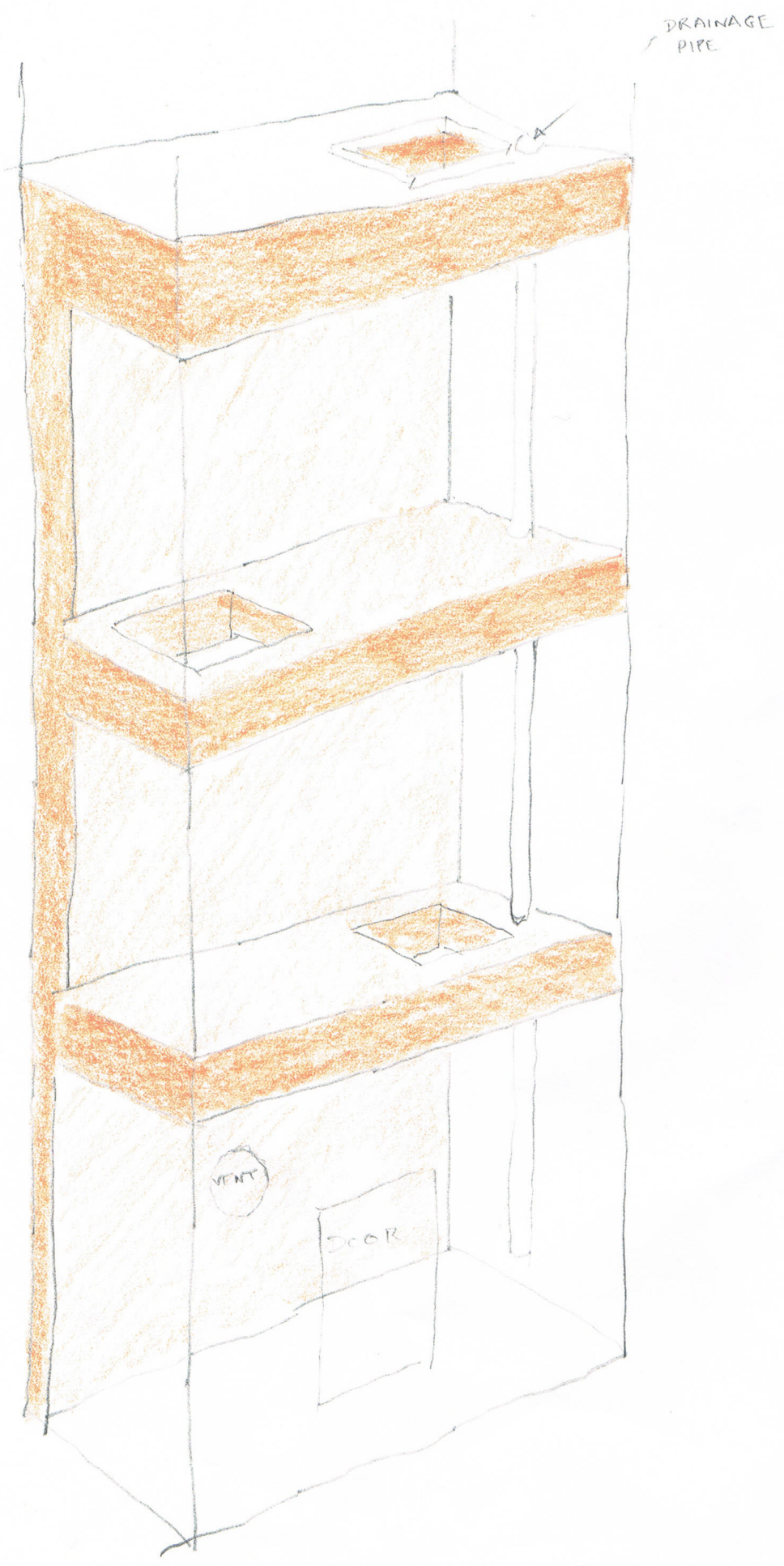
Catalogue Ref.	Description	Quantity Sent	Unit	Nett Price (After Terms)	Per	Terms (For Info. Only)	VAT Rate	Nett Value
H00933	GYPROC TE FIRELINE BRD 2400X1200 12.5MM ***** DELIVER 50 NOW AND BALLANCE WHEN IN PLEASE ***** SEE FATS DELIVERY NO. 2	36		5.790		NETT	17.50	208.44

PAID 09 FEB 2004

Carriage & Packing	0.00	Total excluding VAT	208.44	Total VAT	36.48	INVOICE TOTAL	244.92
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Prices charged will be those ruling at date of despatch. No Material may be returned unless invoice number is quoted and prior arrangements are made with the branch that supplied the goods

0000010756



Mr & Mrs. S. Newnham,
Wight Rock Bar,
The Colonnade,
Lind Street,
Ryde, I.W..

St. Thomas Street,
Ryde,
I.W. [REDACTED]
26.04.12

Dear Shaun and Debbie,

Re: soundproofing of shaft

Following on from our letter of 19.04.12, we are enclosing some relevant literature.
Also we enclose a copy of an e-mail which we received from Black Cat Acoustics, who specialize in creating "silent music rooms", hopefully to reassure you that we are following professional advice.

Hoping to hear from you in the near future about our suggestion regarding fitting an attenuator, and installing concrete blocks into the hatchway.
Currently, we have knocked a pilot hole through our hall wall, into the shaft. We are now thinking, from what we have seen, that installing sandbags would be more appropriate than concrete blocks. In the near future, we will extend this hole to the finished hatch size, so that we can commence work in the shaft, which was approved by Mr. Justin Biggs (Building Inspector) which we told you about last year.

This, briefly, involves installing three platform shelves, to act as a baffle, but there is no way that this, alone, would be sufficient to solve the sound problem.

We enclose a couple of drawings, to give you some idea of the works.

We need a decision, as soon as possible, about the purchase and installation, of the attenuator. It is our belief that this is essential, but needs to be installed before the baffle can be built.

Please, therefore, can we ask you, again, to get back to us, concerning this. Also, you said that you had ideas, yourselves, concerning the situation. We would be interested to hear them.

We would like to say, of your customers, that it is a pleasant surprise to come across such a nice bunch of young people in Ryde.

Further, we do appreciate that your Bar offers a valuable opportunity to be artistic, creative and sociable.

We are supportive of your Bar and what appear to be your aims and objectives.

This current project to improve the soundproofing is no way an attack on The Wight Rock Bar. It follows on from our investigation regarding attenuators.

Best wishes,

Jackie and David Carr

[REDACTED]

■ St. Thomas' Street,
Ryde,
I.W.

16.09.10

Dear Debbie and Shaun,

Regarding our recent conversation about the soundproofing in your ventilation shaft, we are now thinking that the main source of sound is the extractor fan.

We can think of a way of dealing with this, which we feel would be acceptable to you, but because it involves the whole shaft, we would have to contact the freeholder, and might come up against "Listed Building" problems!

We feel we need the authority of a Sound Engineer (at no cost to you!), and would like to ask your permission to proceed with this. It would, of course, involve him having access to your shaft.

We'll be happy to discuss this further with you, beforehand, if you wish!

Best wishes,
Jackie and David Carr

Mr. & Mrs. S. Newnham
Wight Rock Bar,
Ryde.

St. Thomas' Street,
Ryde,
I.W. [REDACTED]
28.09.10

Dear Debbie and Shaun,

Further to the soundproofing problem, we've had an idea how to approach the issue of the Vent, and its associated noise. We would not, now, need to involve a sound engineer, which was rather a "scarey" scenario!

Basically, we would be using your original idea, and think it would all be acceptable to you.

We've done some preliminary drawings, based on a system which would, to some extent, separate the sound from the ventilation. This system is based on the principle that sound waves travel in straight lines, whereas air can negotiate curves.

Some time, when convenient, during the next week or two, perhaps we can call round and show you our drawings? We would be interested to hear your opinions!

Best wishes,
Jackie and David Carr

Mr & Mrs. S. Newnham,
Wight Rock Bar,
The Colonnade,
Ryde,
I.W.

■ St. Thomas' St.,
Ryde,
I.W. ■
3rd October 2010

Dear Debbie and Shaun,
Just to keep you informed of progress re: soundproofing project in the "shaft".

We have been in consultation with the Buildings Regulation Department of the I.W. Council, who have approved our plans, and given permission for us to make a temporary access door into the shaft from our hallway, to facilitate works.

Having also consulted with the Land Registry in Portsmouth, and with a local Solicitor, it appears that the shaft constitutes part of the Title of our property. This was a surprise, as we didn't realize that it existed until you showed it to us!

This makes little practical difference, however. We will commence soundproofing works in due course, and will be able to work directly from our house, instead of disturbing you.

Best wishes,

Jackie and David Carr

Mr & Mrs S. Newnham,
The Wight Rock Bar,
The Colonnade,
Lind St.,
Ryde, I.W..

St. Thomas Street,
Ryde,
I.W. [REDACTED]

12:09:12

Dear Shaun and Debbie,

From our point of view, things seem pretty hopeless at the moment , regarding soundproofing our shaft.

We are desperate to do something about controlling the noise that comes into our house via the shaft.

It seems sensible, therefore, to go back to our original idea, first put forward 2 years ago, and supported by Mr. Justin Biggs, the Building Regulations Officer, which was to insert a baffle in the shaft.

The proposed works will involve installing a baffle in the shaft. Nothing will be attached to adjoining buildings, and your doorway and fan will not be touched. You will be able to open your door unimpeded.

The access hatch, which we will have to install, will just be temporary.

We will finance all works ourselves, in full.

We do have approval for this work from the Planning Department.

You will not be affected in any way, and can inspect all the works whenever you wish.

The only difference from the original plans, which you were given previously, is that the legs for the lowest platform are constructed of steel.

The overall idea is to dissipate and absorb as much noise as possible, up the shaft, whilst not impeding your air flow.

We hope that this will meet with your approval.

We hope to commence work on September 27th 2012.

Kind Regards,
David and Jackie Carr

Shaun & Deborah Newnham

[REDACTED]
Shalfleet
Isle of Wight
PO30 [REDACTED]
[REDACTED]

The Court Manager
IW Magistrates Court
Quay Street
Newport
Isle of Wight
PO30 5YT

26 March 2013

Dear Sir/Madam,

Ref: The Wight Rock Bar - Appeal - Premises Licence review decision

Further to your telephone call, please see below the details of our reasons for appealing the decision.

The grounds for our appeal are as follows:

We feel the decision to be onerous and disproportionate to the true extent of the alleged problem, given the small number of recorded complaints reported by the Environmental Department, and their sparse correspondence to us.

The condition to be attached to our Premises Licence is ambiguous. The description has the heading "Barely Audible", yet the contents of the description suggest that drumbeats, etc should be unheard, ie. "inaudible". The condition would appear, therefore impossible to comply with.

The review was requested by the occupants of No. 1, St. Thomas' Street, alleging noise nuisance. We therefore have understood that our efforts to contain noise more effectively would relate solely to that property.

We are now aware that departments within the Council have been contacted by persons representing The Colonnade, and this after the hearing had taken place. As a result of this contact, it now seems that the decision reached at the hearing has been amended retrospectively, to the effect that the flats on the first floor of The Colonnade are to be included with regard to the proposed Licence condition. We feel this is entirely unjust.

Shaun & Deborah Newnham

[REDACTED]

Shalfleet

Isle of Wight

PO30 [REDACTED]
[REDACTED]

The commercial units immediately above our premises at street level are our immediate "neighbours", and NOT the flats above them. Yet the flats are now being referred to in the context of alleged noise nuisance, as a result not only of the approaches made by Mr Frost of The Colonnade, but also Mrs Carr's efforts to gain the support of the residents who had neither made official complaints themselves, nor requested a review of the Premises Licence. We surely cannot be held responsible for noise that may or may not reach the flats on the first floor. The shops make a good deal of noise of their own, and we feel that if they have made no provision for soundproofing their units in order to prevent noise leakage, how can it be discerned just whose noise might be heard within the flats?

The submissions made by the complainant contained a number of errors, exaggerations and factually incorrect statements, which we feel were not investigated sufficiently by the Environmental Department in order to establish the extent of the alleged problem being described by the Carrs. This causes us to have serious concerns that the Premises Review itself was allowed to be requested by Mr and Mrs Carr, when it appeared that none of the "Responsible Authorities" including most importantly, the Environmental Department, seemed to be of the opinion that such a review was warranted at this stage. That particular department has in the past attempted to attach conditions to our licence without our knowledge or agreement at a time when we were simply applying for a minor variation. This was noticed by us and subsequently removed at our request.

Yours faithfully,

Shaun Newnham

[REDACTED]

Deborah Newnham

[REDACTED]

Wight Rock Re-Review: Final Submission form:

Mr & Mrs David Carr
 [REDACTED] St. Thomas' Street,
 Ryde,
 I.W.. PO33 [REDACTED]

24:06:13

Current situation

Since the first Review in February, Mr and Mrs Newnham have removed the extractor fan from within the shaft, and covered up the resultant hole with an insulated metal box.

The noise nuisance in that area noticeably lessened after this was done, but we have still been disturbed by loud music, particularly drum beats, which pervade the house.

The bedrooms which adjoin The Colonnade wall, still cannot be used due to the noise during loud music performances.

The noise of loud music seems to enter the house throughout the entire Southern wall, which butts up against The Colonnade North wall.

When the loud music was previously "sucked" through from the Wight Rock stage area by the powerful extractor fan, and "hurled" against our hall wall, the noise seemed to be concentrated there. However, it is now apparent that this dominant "blast" was masking the more general noise leakage occurring throughout the entire masonry.

Mr Duncan MacDonald, of Environmental Health, and his colleague, carried out tests on 24th May 2013, both in our property, and within The Wight Rock Bar. He established that the noise was coming through the entire Southern elevation of our house – ground and first floor. It appeared to be especially loud in the area of our hall where a "spine" wall, which runs alongside the Wight Rock stage, butted up to the outer wall of The Colonnade, at a "T" junction.

It is generally felt that the iron core of The Colonnade walls, built in the early 19th Century, plays a part in "transmitting" the vibrating sound waves from the Wight Rock stage area, throughout the walls of the building. This does, as an aside, lead one to wonder about possible damaging effects of this violent vibration on such ancient masonry.

Mr MacDonald identified that the situation was complex, and he felt that the services of a professional Acoustician were needed, to advise on soundproofing options.

On 22nd June 2013, Mrs Claire Whitchurch and a colleague, carried out sound testing inside our property, and also within Flat 9, The Colonnade, which is sited over the Wight Rock Bar, at first floor level, and where the occupant is much disturbed by music from the Bar.

The music being performed that night was not loud: it was described as "acoustic" – not amplified. During the tests within our house, the music seemed to consist of a male singer with a guitar. It was not excessively loud, although the melody line could be followed in our ground floor hall, but we could probably describe it as "barely audible" most of the time. We felt that this level of sound could be acceptable within our property.

However, when we entered Flat 9, during the same musical number, the volume of noise was markedly greater. It was quite surprising how such relatively gentle music could be heard with such clarity, especially within the bedrooms. It seemed to me (Mrs J. Carr), that the singer was merely in the adjoining room. I was able to follow every musical phrase, and would witness that the noise leakage into this flat was probably twice as great as that into no1, St. Thomas' Street. All present agreed that the noise from a Rock Band would be overwhelming within this property, as the occupant gives witness.

We have now established that the problem almost certainly lies with the mode of construction of the building.

This vibration problem cannot possibly be a complete surprise to Mr and Mrs Newnham.

When they applied for their Licence in 2004/5, it is abundantly clear, from looking at the enclosed documentation, that there had been problems previously. It was also well known at the time, that there was an iron frame within the walls of the building, and noise transmission through this frame could be a problem.

Acoustic testing had been strongly requested by Environmental Health, because of these problems, but Mr and Mrs Newnham resisted having any tests.

They must bear some responsibility for this problem, which has now arisen,

Health Issues

Before we finish, we feel it relevant to mention the toll all this noise pollution, and the associated stress of trying to address the problem, has had on our health.

Disturbed evenings, and wondering how long the noise will continue, cause an enormous amount of anguish. One has no idea whether it will be quiet enough to sleep by 11pm, or will we be infiltrated by a throbbing base beat until 12.30, or later.

Mr Carr has a regular prescription for Zopiclone, (sleeping pills) which he has to resort to far more often than is wise. He has suffered from Menieres Disease for the last couple of years, and has attacks of this unpleasant condition, noticeably following really bad noise episodes: such as a late "special event".

For myself, Mrs J. Carr, my GP has doubled my dose of Betablocker within the last year, due to increased B.P.: almost certainly a result of the stress of disturbed evenings/ sleep, and the worry about how things can be resolved, with so many conflicting interests and priorities.

It is extremely stressful to "pluck up courage" to telephone the emergency Wight Care number during a disturbing late night Band Bash within Wight Rock. To get out of bed in your nightclothes, and summon strange Officers into your home at, possibly post-Midnight, is a very hard thing to do. It is something which our neighbour in Flat 9, with her two teenage girls, has felt unable to do. It is actually easier to bury yourself under the pillow with a sleeping pill.

This is dreadful, and should not be allowed to continue to happen.

We have had to put up with this disturbance for more than seven years. We thought things were to be addressed on February 21st, but we have had to endure another four and a half months of disturbance, due to the Appeal.

Whatever the findings of the re-Review on July 9th, may we request that our feelings, and that of our neighbours, be given consideration. If conditions are imposed, and possibly more Appeals lodged, whilst these issues are sorted out, **please can the noise be STOPPED TOTALLY** pending the application of the remedial measures.

We would like to claim the peaceful enjoyment of our homes, and our lives, back....PLEASE.

Finally, we attach a Log, kept during the last couple of months, noting every time we, in ■ St. Thomas' Street, have been disturbed by noise from The Wight Rock Bar.

David W. Carr
Jacqueline K. Carr

Date + incident
APRIL 2013

Sat 13th: PLATFORM ONE → 11pm

Thurs 18th: Loud music all evening

Sat 20th: Loud music all eve 11pm

Sun 21st: Loud music all eve 11pm

Tues 23rd: Loud music 3.30 → 5pm
8.30 → 11pm

Thurs 25th: PLATFORM ONE → 11pm

Sat 27th: very loud music - esp drum beat.
10pm became much louder.
@ 11.20 phoned Wightcare. Team arrived 12.05 am & wrote report.

Sun 28th: Loud music 6pm → 11pm

MAY 2013

Thurs 2nd loud music

WE ARE AWAY UNTIL 16/5/13.

Date + incident

Fri, 17th - Loud reverberating music

Sat 18th
Conversation with Wightcare - not calling tonight as WR. not booked for Live Bands.

Sun 19th; Very loud music. Asked Mrs Neaunham to come and listen

Mon. 20th Loud music → 11pm

Thurs 23rd.
Loud music → 11pm
Reverberating all along hall. Mrs. M. came in again to witness noise. she said they could not control loudness of Bands but limiters probably about 100 dBS

Fri 24th. Loud bands
Mr. Duncan Macdonald witnessed noise. Wrote report.

Tues 28th. Music, but not quite so loud.

Fri. 31st
Very loud music.
Called Wightcare 9.35pm

Date + incident
JUNE 2013

Sat 1st Music all eve. until 12.30 but not loud

Mon 3rd Loud music 3.30 pm - 9 pm

Wed 5th loud music 6pm - 7pm. then quiz night - quiet

Thurs 6th
Reasonably quiet, except when drums play, until 10.15, then loud and disturbing until 11 pm

Sat 8th
After 10pm Very loud. called Env. Health. Went quiet at 10.35!

Mon 10th
4pm Very loud, but only for 10 min. Then noise again 6pm until 8 pm.

Tues 11th
5.30pm. Very loud all through evening until - 8.15pm.

CLOSED FOR I.W. FESTIVAL

Mon 17th
Band noise - heard when came in 5.45 - 6.30. But not too loud.

Tues 18th
Disturbing Music - 6.30 onwards (intermittant) Particularly loud 7.45 - 10.00 38

JUNE cont.

Thurs. 20th

Loud band
music around
7pm - disturbing.
Then only moderate
noise, rest of
evening.

Sat. 22nd

Audible music
all evening,
but acceptable
noise levels.

(TESTS: Claire Whitchurch)

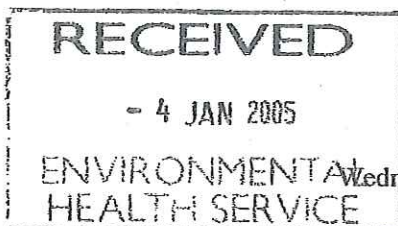
rc sent 5.1.05

2579



The Cellar - The Colonnade - Lind Street - Ryde - Isle of Wight - PO33 2NE
Telephone & Fax: 01983 531978 E-mail: office@wightrockbar.biz

Ms Helen Frecknall
Licensing Section
St Nicholas
58 St John's Road
Newport
Isle of Wight
PO30 1LT



Wednesday, 29 December 2004

Dear Ms Frecknall,

Ref: Public Entertainment Licence Application - The Wight Rock Bar

Thank you for your letter of 10th December, 2004.

We have noted the comments made by the Environmental Protection department, and their recommendation that our application be refused.

We fully appreciate and understand the concerns of that department, but were nonetheless extremely disappointed that reference was again made to the Noise Abatement Order, issued some 5 years ago to the previous owner. We have been given to understand that an order of this type is made against the person considered to be responsible for a noise related nuisance, be that the person running a business or the owner of the premises. As we are not the same persons to whom the order was issued, we naturally feel it somewhat unfair to cite the abatement order. It appears to us that we are being prejudged, and that the action of others in the past is being given as the reason for recommending refusal of our application now.

The Noise Abatement order, of which we were already aware, had also been made reference to in a letter dated 5th August 2002 from Rachel Mooney, of the Environmental department.

In response to that letter, we provided, via our representative, Mr Graham Cooke of Cad Delta, details of the specifications of the soundproofing materials we would be utilising in the course of the refurbishment works. We would expect this documentation to still be in the possession of the Environmental Department, but would be happy to supply further copies if required. In fact, in addition to the upgrading of the ceiling voids already outlined, we went on to install, where practicable, a secondary, suspended ceiling system, incorporating fire-rated acoustic tiles.

We were in fact surprised to be told at one stage by Building Control that there is no soundproofing requirement for one commercial premises to another (we have commercial units above us on the ground floor level).

Office: 10 Manor Green - Shalfleet - Newport - Isle of Wight - PO30 4QT

Nevertheless, we made the decision to incur the several thousand pounds expenditure required to improve the soundproofing of the premises, as we had always hoped to be in a position to provide a venue for some form of live musical entertainment, whilst still having every wish to behave responsibly towards our neighbours. We also intend to implement further measures to prevent excessive noise-leakage, one of which will be a sound-deadening curtain at the rear of the stage area.

When we submitted our application, we considered our position, and fully expected to be required to take certain measures in order to comply with requirements, such as the installation of a noise-limiter, together with certain other provisions for sound control. We had been advised by the Police and others that such measures were likely to be insisted upon if a licence was to be granted, and would have of course taken any steps to comply.

We were dismayed therefore to note the specific request made by the Environmental Department, for extensive and detailed analysis of the sound levels to be emitted, and the likely impact on the flats within the Colonnade in addition to nearby premises. Whilst we appreciate that there will be concerns with regard to the proximity of residential properties to our business, we feel also that equal consideration should be given to the fact that the building is located within the busy town centre of Ryde.

The immediate area is one of high traffic volumes and associated noise. Apart from the street-level shops within the Colonnade, nearby other premises consist of the NatWest bank, St. Thomas's churchyard and Ryde Theatre.

In accordance with their instructions that the tests should be carried out by a suitably qualified party, we made an initial enquiry to such a company in Brighton, the nearest we could locate, who informed us that the fee for the 2 or so hours work necessary to provide the type of report being requested by the Environmental Department would be in the region of £1500.00. It was not made clear if this test would be required for just 1 or all of the flats within the Colonnade.

Our budget has virtually all but been expended, close as we are to finally opening for business. We are therefore regrettably not in a position to justify such a large unallowed-for expenditure at this stage, so are unable to meet the requirements laid down by the Environmental Department in connection with our application. We of course have no objection to that department carrying out any tests they might feel are appropriate.

You will possibly recall that I (Shaun Newnham) telephoned you to ask if it was possible to retract the application, once it had become clear that only considerable expense would allow us to proceed. You advised me that it was not possible to refund the application fee of almost £300, whatever the reason. In the circumstances, we can only ask that the application we have made still be given the consideration of the Licensing panel, even though we have been unable to meet the requirements of the Environmental Protection department.

THE
WIGHT ROCK
BAR

The Cellar - The Colonnade - Lind Street - Ryde - Isle of Wight - PO33 2NE
Telephone & Fax: 01983 531978 E-mail: office@wightrockbar.biz

Mr Murphy
Licensing Officer
St. Nicholas
58 St Johns Road
Newport
Isle of Wight
PO30 1LT

Saturday, 22 January 2005

Dear Mr Murphy,

Ref: The Wight Rock Bar- Public Entertainment Licence

Thank you for agreeing to meet us on Friday 21st January 2005.

We trust the panel will find helpful the information we gave you relating to the extensive measures we have taken to improve the sound proofing of the premises.

We made the appointment to see you as, in the final paragraph of Tansy Petty's letter to us of 14th January, it suggests that such a meeting would be an opportunity to discuss, amongst other things, "a suitable way forward".

We felt it necessary to write to you now, as we left the meeting yesterday with the distinct impression that very little had been achieved. We are extremely disappointed that we seem to repeatedly encounter a "closed mind" attitude whenever our application is discussed. This is particularly frustrating as it is coming from parties that have not visited the premises in order to see for themselves just how much work has been done to support our application.

We did not make this application lightly, certainly one would be foolish to do so, given the substantial, and non-refundable fee involved.

Despite your assertion to the contrary, we still feel that we most certainly are been treated as though we are responsible for whatever problems have been caused prior to our ownership. We consider this to be both unfair and unhelpful.

We are becoming extremely exasperated at being reminded by all and sundry of the previous nature of the premises, in which we have no interest. Comments relating to "topless....., dungeons.." and the like only serve to perpetuate the "stigma" that we wish to eradicate.

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Our intention, on taking ownership, was to completely upgrade the property thereby creating a high quality, non-smoking venue for a discerning clientele, aimed primarily at the over 40's. We are therefore very dismayed at the apparent inability of some people to move on and stop looking backwards.

You were at pains to assure us that it was not towards us personally that the recommendations for refusal were been directed, but at the building, the construction of which it was felt was "not suitable".

At one point during our meeting, you advised us that you were in fact quite familiar with the premises, having "been there many times".

This statement amply demonstrates the point we are trying to make, and which we find most frustrating. This being that you and others appear to be using your recollection of the condition of the premises some years ago as the basis for a recommendation that the application be refused.

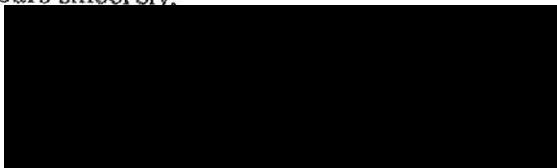
In doing so, it seems no consideration is being made for whatever improvements we might have carried out since taking ownership of the property. With reference to your comment that the building is in your opinion unsuitable for the purpose of live entertainment, surely when thousands of pounds have been spent in an effort to improve that suitability the property cannot be considered to be the same, and therefore is deserving of a fresh appraisal.

In the circumstances, we cannot help but be left with the impression that the "powers that be" appear to be uninterested in these extremely relevant factors, having seemingly already decided the matter in advance.

In closing, we would like to extend an invitation to any persons connected with the application to visit the premises should they so wish, in order that they see for themselves the premises under discussion as they are now. We feel that without this updated impression of the premises, any decision taken will be done so without full benefit of the facts.

We trust you will appreciate our reasons for writing to you. We feel very strongly that, whilst quite aware and appreciative of the concerns of the various parties involved, we should nonetheless be given a fair and unbiased hearing.

Yours sincerely,

A large black rectangular box redacting the signature of Shaun & Debbie Newnham.

Shaun & Debbie Newnham

Licensing Department,
I.W. Council,
Jubilee Stores,
The Quay,
Newport, I.W..

■ St. Thomas' Street,
Ryde,
I.W.. PO33 ■

24:06:13

Dear Sirs/ Madam,

The Wight Rock Bar: Re-review of Licence 09:07:13

Re: 3rd Licensing Objective: Public Safety

Restricted Access and Broken Glass Bottles

The owners of the Wight Rock Bar use the communal passageway, at the rear of The Colonnade, to store their "empties", whilst awaiting weekly collection, by "Biffa".

We enclose some photographs taken at various times. The red bin is always in place: the additional bags and boxes only occur periodically, but illustrate how bad the situation can be.

The passageway is communal: it has been legally established that an individual owner cannot be identified.

The covered passageway at the Eastern end belongs to our property: our rear courtyard can be seen beyond. This is our rear exit.

The British Legion Fire Exit opens on to our covered passageway – they have a right of way out through our passageway.

We have active Planning Permission for the conversion of part of our ground floor into a one-bedroomed flat. (P/00042/06 – TCP/23871/B)

This rear exit, onto St. James' Street, would be the main entrance for this flat.

Obviously we have been unable to proceed with this conversion, due to the Red Bin/ bottles situation. N.B. Our Permission was granted BEFORE the Newnhams installed the bin.

The red bin reduces the width of the passageway to 660mm, instead of the statutory 1m needed for access for the Emergency Services. As this passageway comprises the Fire Escape route for British Legion, and is the only exit from our proposed flat, we feel that this obstruction should not be allowed.

Also, there is frequently broken glass around the bin area – see photograph. A cousin's child once cut her knee, when she fell passing through the passage, and we always need to carry our dog through the area, due to the danger.

The broken glass, and stray liquor bottles, can be found, at times, in various places along the passageway to St. James' Street.

Mrs Carr has had to sweep up broken glass, on numerous occasions. The collection by Biffa occurs very early in the morning. The operatives transfer all the bottles to their own containers and vehicle, and frequently bottles are broken. The owners of Wight Rock do not normally arrive at the premises until much later in the day, and thus it is down to the rest of the residents to clear up.

We have asked the Newnhams to please move the Bin, due to all the above reasons, but they refuse. They say that the Fire Brigade have "given the all clear", and maintain that Biffa must have considered there to be adequate compliance with "Health and Safety" or they would not operate the collection service.

This all seems extraordinary to us.

We question the legality of the Wight Rock Bar to be running their business in a communal area, which involves permanently taking over a section of the passageway, and where Public Safety is being compromised

Mr & Mrs D.W. Carr

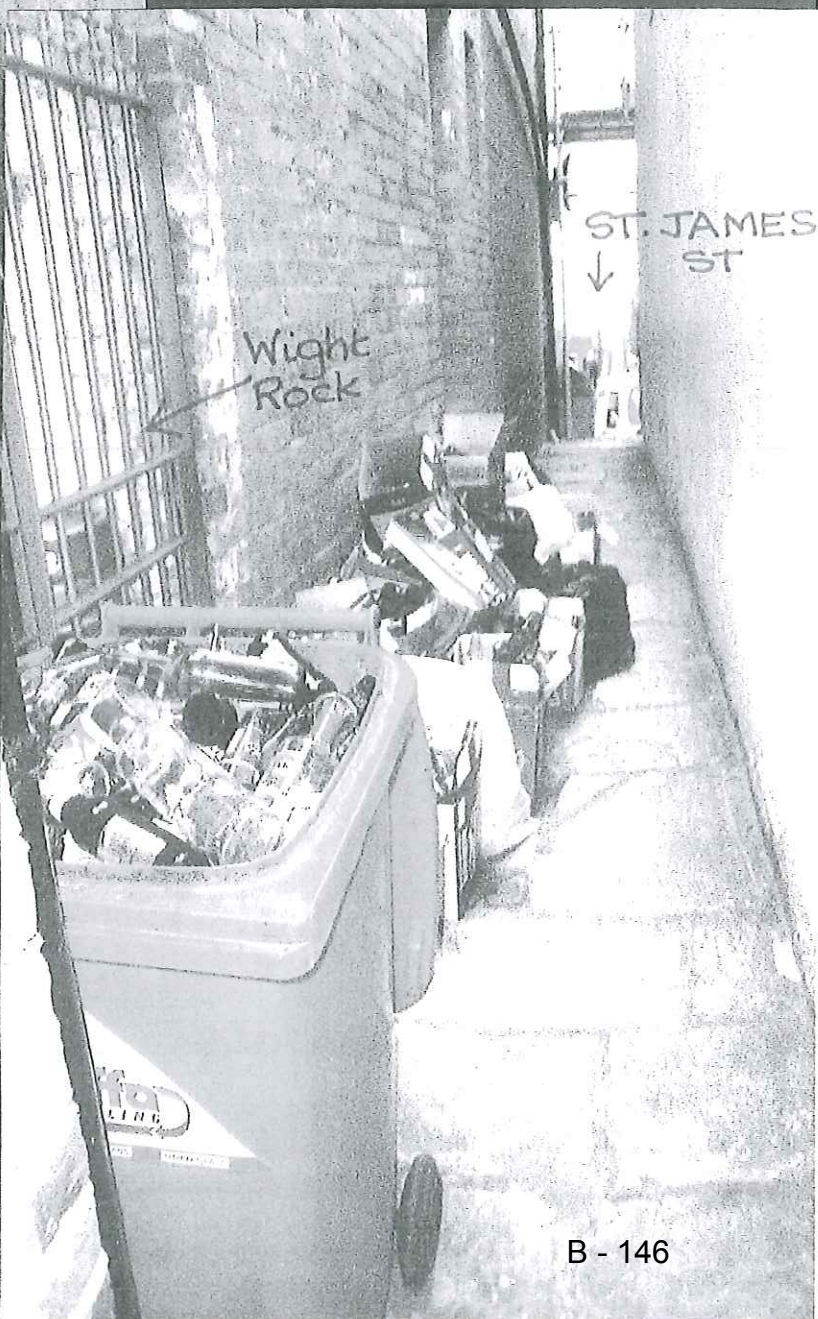
Tel: [REDACTED]

e-mail [REDACTED]

BRITISH
LEGION
FIRE
EXIT

NO 1, ST. THOMAS' ST.,

Wight Rock
rear entrance



PHOTOGRAPH
TAKEN FROM
EXIT OF
1, ST. THOMAS' ST.,



TYPICAL
OCCURRENCE
OF
SCATTERED
BROKEN
GLASS



To Sarah MacDonald, Licensing Officer
 From Claire Whitchurch Health Protection Officer
 Telephone 01983 823000
 Email claire.whitchurch@iow.gov.uk
 Date 25 June 2013
 Subject Licensing Act 2003 ("The Act")
 Re-hearing of a review application of the Premises Licence for:
 The Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle Of Wight, PO33
 2NE

Memo

Further to my representation to the review application, dated 01 February 2013, I am aware that the decision of the committee has been appealed, and therefore the matter is being re-heard on the 9th July 2013.

The original comments to the licensing section were based on the limited evidence that we had gathered when investigating a noise complaint made by the review applicant, and very limited historical information of other noise complaints (please refer to original representation).

At the time of the review application being submitted we were only aware of nuisance being experienced by the review applicant, however through the course of the review consultation we became aware that other nearby residents, namely Flat 9, The Colonnade have reported nuisance.

Therefore, this department has carried out further visits to the premises and neighbouring properties, and held a meeting with the premises licence holders to discuss the nuisance which is being experienced. In addition, this department has received noise complaints on our out of hours service from the review applicant.

Visits to no. 1, St Thomas Street are as follows:

28 th April 2013	Call received out of hours	music noise clearly audible
25 th May 2013	Proactive visit by EH officers	music noise clearly audible
31 st May 2013	Call received out of hours	music noise clearly audible
08 June 2013	Call received out of hours	music noise not audible
22 June 2013	Proactive visit by EH officers	music noise not audible in bedroom

Visit to Flat 9, The Colonnade are as follows;

22 June 2013	Proactive visit by EH officers	Sound of vocals, audible and intrusive
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On visits on the 28th April, 25th May and 31st May 2013, officers witnessed music noise from the Wight Rock bar in the first floor bedroom of 1 St. Thomas street, which they considered to be at a level which would be disturbing and prevent quiet rest in that room.

On the 22nd June 2013, when officers visited the Wight Rock bar were playing an 'acoustic set' whereby only the vocals were amplified. The lyrics were audible in the hallway of 1 St Thomas Street, but not in the bedroom on the first floor. In Flat 9, the vocals were audible throughout the flat, and were clear and intrusive.

During the proactive visits made by officers, visits were also made to the Wight Rock bar. It was the interpretation of officers on both occasions that the levels measured within the bar were loud, and you had to shout to communicate. The peaks recorded on the sound level meter exceeded what the premises licence holder believe they operate to.

Proposed condition: Level set in adjacent and neighbouring properties

When proposing conditions for the review application we set a limit which we would like to see achieved within the neighbouring and adjoining premises, a level which would prevent any further noise nuisance to the neighbouring properties. The level we would like to achieve, would be that the music noise from the Wight Rock bar is in-audible in neighbouring and adjoining residential properties. At the original hearing the committee determined that the level to be achieved within the neighbouring and adjoining properties should be 'barely audible' – defined as;

"At a level that, whilst it may be audible (heard) is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned within any adjoining or neighbouring residential premises".

We are aware that the decision of the committee has been appealed on the grounds that the condition proposed by Environmental Health and modified by the committee is believed by the premises licence holder to be ambiguous.

During a meeting with the premises licence holder, they expressed a preference for a condition to be on the licence where the level to be achieved in the neighbouring property to be in decibels, rather than a subjective assessment of 'inaudible' or 'barely audible'.

This request has been considered with reference to BS 8233:1999 Sound insulation and noise reduction for buildings - code of practice. This standard lays out the indoor ambient noise levels to be achieved, including in living rooms and bedrooms. From visits to the neighbouring properties (as above), this department has concerns whether the limits can be achieved due to the background levels being higher than the target level.

We consider these limits to be unachievable and therefore unenforceable to be placed on the licence. The background levels in the different neighbouring properties appears to vary, and as such the target levels would have to reflect this – further illustrating why this approach is not suitable as a licence condition for this premises.

In light of all the above, this department remains confident that the level to be achieved within the neighbouring and adjacent properties should be set at 'inaudible', whereby the music from the Wight Rock bar shall not be heard within the neighbouring properties.

Compliance with the set limit

In our previous representation, we had stated that this must be achieved by 'containing or limiting' the sound, and giving the premises licence holder the flexibility to draw up their own scheme to control the noise outbreak.

Since the previous hearing, and in line with the support offered at that hearing, we have endeavoured to carry out sound tests to determine whether the volume inside the Wight Rock bar could be reduced in order to meet the 'inaudible' at the neighbouring premises, whilst still allowing the premises licence holder to carry on their business. At the time of writing this memorandum, we have been unable to carry this out despite requests made to the premises licence holder.

From visits which have been carried out we do believe that the shaft which the applicant has referred to, does not contribute to the sound outbreak into the neighbouring properties, we believe that the sound is carried through the structure of the building into the other properties.

We have been unable to ascertain whether limiting the sound alone will achieve compliance with the condition. We believe that the noise is transferred through the building structure and at the time of writing we have no information to support that planned acoustic insulation works will adequately prevent this transference.

We believe that our proposed condition will adequately promote the licensing objectives; however without a full acousticians report, we are not satisfied that the premises licence holders planned insulation works will adequately achieve the limit set.

Many thanks for consulting this section.

Miss Claire Whitchurch - Health Protection Officer

To Sarah MacDonald – Senior Licensing Officer
From Amanda Gregory – Regulatory Services Manager
Telephone 6151
Email Amanda.gregory@iow.gov.uk
Date 27/06/2013
Subject Licensing Act 2003 ("The Act")
Application for Review of the Premises Licence
The Wight Rock Bar, Lind Street, PO33 2NE

Memo

By virtue of Section 13 (4)(za) of the Licensing Act 2003, the Licensing Authority is a responsible authority and may make representations on applications made under the Act.

Further to my previous memo dated 4/2/2013 I would like to confirm that I have reviewed the additional information submitted regarding this premises, and would like to provide the following observations to the Committee.

I can confirm that since my previous memo ~~to~~ the Licensing Service has not received any specific complaints from any members of the public concerning the premises, and officers have not undertaken any proactive visits since the last hearing.

The previous review application document detailed the grounds for review in relation to the licensing objectives of the prevention of public nuisance and public safety. Specifically loud music escaping and the breach of a 1 hour fire barrier. The applicant requested the following remedial action:

1. Removal of extractor fan/soundproofing.
2. Rehangng of fire doors.
3. Installation of a fan attenuator.
4. Suspension of the music licence until sound proofing has been installed.

Since that time the applicant has submitted further information relating to the same licensing objectives. In particular structure borne noise (as the fan has been removed) and restriction of the rear passageway by the refuse collection bin and broken glass.

The purpose of a review is for the Licensing Authority to consider whether the licence adequately upholds the four licensing objectives. In my previous memo I provided an overview of issues which are not relevant and should not be considered by the committee in addition to a conclusion and recommendation.

With regard to the noise I have read the additional information supplied by environmental health. I support the proposed wording of the condition however, in the light of being unable to undertake further sound checks I believe that the committee may need to consider requiring the licence holder to engage with an acoustic consultant.

With regard to the refuse collection/glass it is not clear whether the information/photographs supplied are typical of restriction on a daily basis or whether this is accumulation is only on collection day. The committee may wish to seek further clarification on this matter prior to considering conditions regarding appropriate storage.

In my previous memo I did not discuss or advise on the impact of the Live Music Act 2012 which is of relevance in this particular case. For background information the Act deregulated live music as follows:

Live music will cease to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; or
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live amplified music is provided for the exemption to take effect.

Any condition attached to the Premises Licence relating to live music ceases to have effect in respect of the live music. However, such conditions may be reinstated by the Licensing Authority at a review hearing.

I therefore believe that based on the information provided it is advisable that the committee requires the conditions to be applicable during live music at the premises.

Conclusion and Recommendation

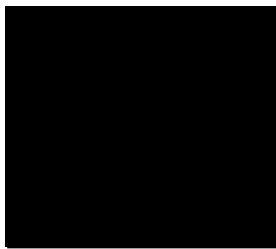
The Licensing Authority supports the modification of the conditions on the premises as the current licence does not uphold the licencing objective of prevention of public nuisance.

The Licensing authority supports the proposed conditions from Environmental Health dated 25 June 2013. The committee may wish to require the employment of an acoustic consultant to ensure that appropriate works are undertaken in order to satisfy Environmental Healths concerns that the proposed works may not be sufficient to contain or limit the noise.

The Licensing authority considers that the committee should ask for further information concerning the refuse collections, and may wish to impose a condition for public safety if appropriate.

I will be attending the hearing to present this representation and to answer any queries the Committee may have.

Regards



Amanda Gregory
Regulatory Services Manager

MacDonald, Sarah

From: Lucy, James
Sent: 11 June 2013 15:19
To: MacDonald, Sarah
Subject: RE: WIGHT ROCK RE-HEARING

Sarah

I have no representations in regard to this hearing, although am happy to answer any questions should they arise.

Kind Regards

James Lucy | Technical Fire Safety & Enforcement Manager | Isle of Wight Fire & Rescue Service
Headquarters |
Newport Fire Station | South Street | Newport | Isle of Wight | PO30 1JQ
Tel: (01983) 823184 | Email: james.lucy@iow.gov.uk | Web: www.iwfire.org



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Thelma Edmunds

██████ The Colonnade

Lind Street

Ryde

PO33 ██████

24th June 2013

LICENSING ACT 2003 (Hearings) Regulations 2005

Review of Premises License: The Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle of Wight, PO33 2NE

To whom it may concern

I am currently a tenant in the flat above the Wight Rock Bar. As I mentioned in a previous correspondence I realised there would be a certain amount of noise to be endured if choosing to live above a bar but hadn't realised the impact the noise would have on such a regular basis.

In recent weeks I have arrived home, after work, around 5:30pm to band practises which have gone on until 8, 9 even after 10 in the evening, as was the case last Wednesday evening. My youngest daughter has said that these practises have already been underway at 3:30pm when she has returned from college. The music is audible in the apartment, at times to a degree that can be invasive when it would be preferable to just relax. The noise impact is naturally greater and more than irritating when the heavy drumming and increased microphone levels are prevalent into the late evening, the bass sounds and heavy drumming causing significant vibrations in the flooring and all rooms. As I mentioned in an earlier correspondence I have taken to residing with a friend in order that I can get some relaxation on Friday and Saturday evenings, especially as Summer approaches. I realise that the bands may well become more frequent and parties may become equally more prevalent which then impacts even more as the noise levels increase outside in the smoking area directly under my apartment window. As this is a listed building the windows cannot have double glazing therefore the single glazed windows don't bar any sound making the living area very difficult to sit in and enjoy a film or merely relax quietly. Additionally, as a chronic migraine sufferer, a weekend migraine in bed has not been exactly easy to recover from when enduring sound or vibrations from the club's music, sound being something that causes physical sickness during a particularly bad episode. I reiterate that I knew there would be certain levels of noise, at times, when moving here but I had fully anticipated that soundproofing in the Wight Rock Bar would have protected the surrounding residents somewhat, taking into account that the club is positioned in a heavily residential area.

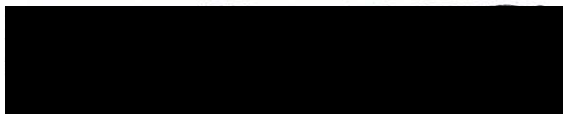
The rise in activity during the day means that residents affected by the music will have to endure the heavy beats, on occasions, from afternoon and through into the late evening. Additionally Wednesdays are being advertised as a Quiz night. Does this mean there will be live music or Karaoke following the quiz night? The impact suggests Wednesdays through to Sundays, especially in the Summer. We will then see the Wight Rock Bar active and residents subject to music for afternoons as well as evenings. Is this entirely fair? I have no objection to music but

with adequate and correct soundproofing the impact on surrounding residents could be greatly reduced.

Furthermore, and finally, I understand that there are moves to relocate a fan from the rear of the building as it is creating too much vibration to the walls of neighbouring residents. For myself I am concerned that this will further impact and increase the sound levels into the smoking area and consequently to the flats above there!

I hope that a satisfactory conclusion can be reached to help resolve the issues.

Yours sincerely
Thelma Edmunds



REVIEW OF THE LICENCE OF THE WIGHT ROCK BAR

Licence Ref. Premises Licence 1863

Further to the submission made by this Company to the Regulatory Committee meeting on 21st February 2013, we must place before the members of the Committee hearing a further review of this Licence on 9th July 2013 the following matters:

1. Mr and Mrs Newnham have not complied with the terms of their lease under which they must apply to the Company who own the freehold for permission to carry out any work to the interior or exterior of the building.

Despite having been reminded of this they have given the Company no details of how they propose to ensure that the 11 other shareholders and/or their tenants are protected from the nuisance of the high noise levels regularly emanating from the Wight Rock Bar.

We need to have this information to enable the 11 other shareholders to be able to assess the effect of the proposals on The Colonnade, a Grade II Listed Building, on which the Isle of Wight Council invested a grant of £39,194 and the other 11 Shareholders the balance of £83,000 cost of the refurbishment.

2. We understand that Mr & Mrs Newnham now have Bands practising in the afternoons and whilst this may not be a matter falling within the current licence, we would respectfully ask the Licensing Committee to consider this further noise problem that will affect the flats and the shops during the day - as they will be seriously affected.

3. Another matter that has been drawn to our attention is the fact that the Wight Rock Bar has taken to using the communal passageway at the rear of the building, again without reference to the Company or to the British Legion or Masqueryde (Shop 1). This passageway is the Fire Escape route for the British

Contd.

Managing Agent & Company Secretary: to be appointed
Registered Office: Shelridge Cottage, New Road, Brighstone, IW PO30 4BP Reg. No: 2966735
Directors: L Frost (Chairman), N Laking, P Laking.

REVIEW OF THE LICENCE OF THE WIGHT ROCK BAR CONTD.

Licence Ref. Premises Licence 1863

for the British Legion and Masqueryde who both have doors opening onto it, as well as for the rear exit of a ground floor one-bedroom flat for which Planning Permission has already been granted.

The Company would submit that the way in which Mr & Mrs Newnham have taken over this Fire Escape route shows their lack of concern for others which is evident in everything they do in connection with The Colonnade.

4. The Company is extremely concerned to ensure that the 11 co-shareholders and their tenants do not have to endure the nuisance of excessive noise any longer, which has been exacerbated by the attitudes of Mr & Mrs Newnham to this whole matter.

For and on behalf of
The Colonnade (1994) Ltd



Leslie B Frost
Director

**THE WIGHT ROCK BAR - LICENCE REVIEW RE-HEARING
ADDITIONAL STATEMENT**

We appealed the previous decision arrived at by the Committee, and took the matter to the Magistrates Court (Letter 1a). The Court took some fifteen minutes to arrive at the decision to refer the matter back to the Council for the case to be re-heard. This at a cost to us of £400.00

We were unhappy to note that, at the original hearing, Councillor Arthur Taylor arrived at the area outside the chamber where we were all assembled, and immediately approached and warmly greeted Mr and Mrs Carr and Mr Price of Wilks, Price, Hounslow, their solicitor. We were totally ignored by Mr Taylor, who could clearly be heard saying to the group that, even though he had failed to meet the deadline for making submissions, he was nevertheless "...here to show my support". We were very dismayed to hear this, as it is our understanding that a Councillor should not be seen to display such bias. Furthermore, if he does in fact know Mr and Mrs Carr, or indeed Mr Price personally, surely this is information which he should have declared when he was within the chamber and privy to the whole proceedings. He could also have been in a position to have overheard comments made privately by us. In view of this, we feel he had no business being present at the hearing and that he should have been requested to leave. We find it rather ironic that Mr Taylor's recent election campaign literature trumpeted the fact that he supported local businesses in Ryde. This does not appear to be the case, considering that he has never made himself known to us as business operators.

Since the original hearing, we have established a dialogue with Mr & Mrs Carr (Letters enclosed).

The property at No. 1, St. Thomas's Street was converted by a Material Change of Use application made by the then occupiers of the property, solicitors Wilks, Price, Hounslow in 2000. This proposed a change from commercial use to one of residential. The planning subsequently agreed, which apparently did not necessitate a full meeting of the Planning Committee for some reason, contained conditions stipulating that the property should thereafter be occupied by persons living there only as a single family.

It further stipulated that the property was not to be subdivided further. Mr & Mrs Carr started the process of building a flat without planning permission some time ago. They have since applied for the required permission on retention, proposing to subdivide the internal structure of the building in order to create a self-contained flat. The planning approval for this has since been granted, but not yet signed off.

In creating the proposed flat, they will need to comply with building regulations Part E in demonstrating that the external wall of their property is able to resist noise by 43 decibels (applies to conversions, not new build) in order to have Building Control sign the project off. The property has residential flats of The Colonnade adjoining their building.

We feel that this requirement should be demonstrated to have been tested and met before any conditions are allowed to be placed on our licence.

**THE WIGHT ROCK BAR - LICENCE REVIEW RE-HEARING
ADDITIONAL STATEMENT**

We have worked together with The Environmental Department in an effort to resolve the issues presently being discussed. We have only recently discovered that the local authority has not seen fit to adopt the provisions of The Noise Act 1996, which defines "Night Time Noise" as that occurring between the hours of 11pm and 7am. Virtually all of the reported incidents of noise that the complainants allege to have heard from our premises have taken place earlier than 11pm, and cannot therefore really be described as "Night Time Noise".

It should be noted that we were in the process of purchasing the cellar bar premises at the time of the Change of Use application in late 2000/early 2001. We were sent no notification of the proposed change. It is clear however, that all the other nearby properties were duly notified (copy of example notification letter enclosed). Had we been informed as we should have been, this may well have affected our decision to proceed with the purchase. Having been in the knowledge that a property which is physically attached to The Colonnade was about to become a residential dwelling, and that this change would convey to them the right to start complaining about our proposed business activities, we may well have decided not to proceed with the purchase at all.

If it is the intention of the Carrs to eventually sell the flat they propose to create, which seems likely, indeed even if it is only rented out, this indicates a commercial development aspect to their activities. We would question why their plans to gain from a project of a commercial nature should be allowed to take precedent over the commercial interests of our legitimate business. A business which has existed on this site in differing forms for a period in excess of forty years.

We have previously made clear that it is our intention to carry out extensive soundproofing works to our premises. This requires a full application for Listed Building Consent, which we have duly applied for. This process has delayed the commencement of the work by some eight weeks, which though disappointing, we have been advised is the norm. At the time of writing this statement we still await a decision, and therefore cannot commence the works we wish to carry out. We have been very surprised and dismayed to discover that our application has received submissions which appear to be in the nature of objections, from Mr and Mrs Carr and their "resident" Ms Allen. Quite why they should do this, when the work proposed will be of benefit to them is a mystery.

copy

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

Mr & Mrs Carr



29th May 2013

Dear Jackie and David,

Many thanks for allowing me into your house on recent occasions, in order to establish which noise enters your property. I was very pleased the other night when I came by to discover that you were unaware of the band sound checks taking place, as you were in another part of the house. You agreed that in the hallway the band was barely audible, at the same time as we registered it peaking at approximately 98 decibels inside the bar. This is helpful, as it gives us some indication of what might be achieved by means of the proposed soundproofing works.

In response to your letter of 22nd May, and as previously made clear, we are not responsible for the gully or the drainage system of the Colonnade, so any works or re-routing you need to do to the guttering etc., will have to be agreed to by the management of The Colonnade.

You mention sandbags once again. This is so obviously not an acceptable solution, and numerous people we have spoken to about this share our view. You yourself have even said in previous correspondence that the earlier attempt resulted in the sacking starting to deteriorate, which would most certainly have led to problems with sand going down the drain. Why you still feel it appropriate to persist with this idea, utilising such archaic materials, is bewildering, particularly when there exist so many far superior alternatives.

For instance, rather than repeatedly placing structures within the shaft area, would it not be far more simple and effective to at least install an acoustically rated stud wall with cavity infill, etc against your internal hallway wall? We certainly have every intention of carrying out similar work internally, in addition to the initial building work, and would be happy to provide you with details of materials, etc. In the past, the comment "why should we" has been referred to in response to the suggestion that you might carry out some degree of internal soundproofing, yet you seem more than willing to go to considerable lengths with regard to works within the shaft. Would not the more obvious route be to improve the effectiveness of the 9" brick wall internally?

You advise in your letter that "David found a large hole from your bar to the first floor" we checked this, and can clarify this is not in the wall of our bar, but in line with the storey above. You stated that David had filled that particular hole, and also filled the holes that had previously contained our air conditioning unit pipes. He certainly had not filled the large hole above when we inspected the area last week. To have done so would have, we agree, been a good thing. What we were extremely unhappy to learn though, was that he has yet again "overstepped the mark" and taken it upon himself to interfere with our property. Shaun had made an initial infill of these holes with mortar from the inside, with the intention of completing the infill from outside, once set.

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

We are sure you must appreciate that, as we didn't have sight of his works, David will need to remove the mortar he has put in the holes in order for us to finish the works to a standard we are able to verify.

Whilst on the subject of David's activities, we would be grateful if you would reply to the question raised in our previous letter with regard to what you intend to do about our air conditioning unit reimbursement.

yours faithfully

Debbie & Shaun Newnham

COPY

Mr & Mrs S. Newnham,
The Wight Rock Bar,
The Colonnade,
Ryde, I.W..

22:05:13

Dear Shaun and Debbie,

Re: Current Planning Application for New Wall in hatch onto shaft

We think we're probably right to say that if we were to accept responsibility for the gully, this would lead to legal problems. Probably, we are not even legally able to accept responsibility for the drainage system of another property.

Equally, if you are responsible for the gully, you must certainly have access to it and the base of the shaft.

As things stand at the moment, in your Planning Application, we cannot see that there is any chance that this section of it will be passed. We are going to have to add a comment to the Planning Application, saying that we cannot take responsibility for the gully.

Nevertheless, we are very keen for you to build this wall. May we put forward the following suggestions.

You build your wall as specified, but leave an indentation in the wall, so the gully can be accessed from our side.

You use our hatch for access to the shaft (we can arrange for this to be a legal right).

For our part, in the shaft, we would like to do the following temporary work.

We want to build a roof in the shaft, which will keep the base of the shaft dry. We want to redirect the gutter downpipe water, and the rainwater, from the roof, through our back wall, and into our back yard gully.

This will mean that the present gully at the base of the shaft would only come into use in the event of some plumbing catastrophe above. It would also only require occasional cleaning, and would mean that sandbags, if found to be needed, could be stacked in the shaft, and moved only occasionally, when the gully needs attention.

Our work would be temporary, not attached to The Colonnade, and not subject to the same restrictions as permanent work.

We do not anticipate dampness being a problem.

Please can we have a meeting asap about all this.

We are encouraged to write this letter, as today David found a large hole from your bar to the first floor. Blocking this hole up will certainly assist with reducing the noise to Flat 9.

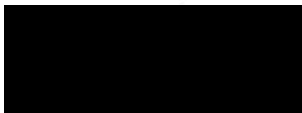
Worth your while to come for a meeting: you will not be disappointed.

Best wishes,
Jackie and David

COPY

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

Mr & Mrs Carr



11th May 2013

Dear David & Jackie,

Thank you for your letters of 30th April & 1st May 2013. Our letter of 30th April was not a reply to your letter so did not cover the issues raised by you.

As you seem to be confused regarding work etc. We will try and make things clear to you.

Firstly in reply to your letter of 30.4.13 the metal box you refer to has been in place since February and was mentioned at the review. Yes, losing the extractor fan has been inconvenient however it has been extremely more inconvenient losing the air-condition/heater/dehumidifier that you dismantled rendering the unit useless. You say you thought the unit was a redundant piece of equipment. Now you know it wasn't, would you please let us know what you intend to do about it.

As you know we went to court a couple of weeks ago and the judge has passed the case back in the hands of the council and there will be another hearing sometime late August, therefore the barely audible statement has not been put on our licence as yet.

The environmental department have been in touch and are coming down the bar Saturday 18th May for a chat. They agree that as you still have a hole in your wall this somewhat confuses the noise issue as this is now a variable which you have introduced into the equation.

Further to your letter 01.5.13

Listed Building Department have now accepted our drawings and this will take approximately 8 weeks for a decision. Copies of our plans can be viewed online.

To confirm the drain in the shaft area belongs to The Colonnade, it has nothing to do with us, we keep it clean for our own interests. The Colonnade were going to have the drains cleaned every 3 years, but as with lots of things at the Colonnade this has NEVER been done. If the Colonnade Management want to "come down on you like a ton of bricks" we have no control over that. That remark has been wrongly attributed to us.

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

We would be grateful if you would clear the shaft as previously requested, to give room for the builder. Another variable could be the presence of the metal stantions and other structures, as they may well cause sound resonance problems. We feel to get a realistic view things have to be as they were before the objects were placed in the shaft by yourselves.

yours faithfully

Debbie & Shaun Newnham

Copy

Mr & Mrs Newnham
The Wight Rock Bar,
The Colonnade,
Lind Street,
Ryde, I.W..



01:05:13

Dear Debbie and Shaun,

Thank you for your prompt reply.

We are sorry that we misunderstood the situation. We assumed previous plans were abandoned, as we had heard nothing from anyone.

We wish you success with your third application.

However, since our shaft seems to be involved, please can we have more information as to what is now proposed, and see copies of the plans?

We are concerned, as a couple of months ago, Debbie 'phoned and mentioned that you would not be needing Building Regs. approval for the walls, as only lightweight blocks would be involved. Lightweight blocks are not renowned for their soundproofing qualities, which is worrying.

Also on the 'phone, Debbie told us that the drain was definitely ours –her drains consultant had confirmed this. At the time we agreed, although we haven't actually done tests to see how the drain runs. We were very concerned when we heard, a little later, that she had told Mr Frost that if there was any trouble with the drain, they would "come down on us like a ton of bricks".

From that conversation, we understood that you were no longer going to build a wall within the shaft, but were going to build in the recess of the doors, thus allowing us access to the drain. Now you are implying that building work is required at the bottom of our shaft, requiring us to clear our supports out. But, in your last letter, you are saying that we, and the Colonnade Management, blocked the plans for the original wall which you wished to erect inside our shaft. **Just for the record, we did not block this idea.** We are confused, and thus would appreciate seeing these plans.

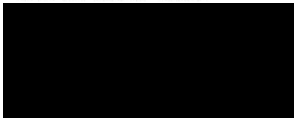
We suggest, again, that we have a meeting, so that we can discuss these plans, and other issues which you refer to in your letter.

Best wishes,
Jackie and David

COPY

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

Mr & Mrs Carr



30th April 2013

Dear David & Jackie,

We have submitted our Listed Buildings Consent drawings for the third time so all being well they will be accepted this time.

We would therefore request again that you clear the shaft area of all your materials in order for us to commence work as soon as we get the go ahead.

We are aware you called the environmental people on Saturday night despite my letter of 22nd Feb 2013 asking you to let us know when noise was an issue so we could take measures on the night to try and rectify it. As you previously told us that recorded music could not be heard we can only assume that the hole in your side wall has made it possible for you to now hear this. We would ask that as soon as you have removed all materials that the hole be sealed up as soon as possible.

I think you really have to show some understanding of our position with regard to this situation. It is not our fault that listed building consent is required for the works we wish to carry out. Similarly, it is frustrating to us that the original wall we wished to erect both yourselves & The Colonnade Management blocked the idea.

yours faithfully

Debbie & Shaun Newnham

COPY

Mr & Mrs S. Newnham,
The Wight Rock Bar,
The Colonnade,
Lind Street,
Ryde, I.W..

30:04:13

Dear Debbie & Shaun,

We were delighted to discover that you had put a metal box over the fan, and appreciate that losing your extractor fan must be difficult.

Things have been generally much quieter, though far from "barely audible".

As you probably know, we had a "sound test" on Saturday 27th, which certainly established the noise to be more than barely audible in parts of our ground floor (apparently anywhere within our house qualifies for the test).

Perhaps now is the time to consider revisiting our soundproofing efforts in the shaft itself.

We previously gave up on this, after you wrote to us saying it would only be acceptable if we left a gap, and took responsibility for the drain.

We have worked out a way, now, that the drainage can be altered so that we are able to take responsibility for the drain. Also, we hope we can allay any fears of damp. Also, we would not be using hessian sandbags.

It is all rather too much to explain by letter – we really need to have a meeting about this.

Basically, we feel that you have done some soundproofing, and if we add our input, we may have addressed our problem of noise emanating from the shaft.

Hoping to hear from you, although we will be away from May 5-12th.

Many thanks

David and Jackie Carr

Shaun & Deborah Newnham
10 Manor Green
Shalfleet
Isle of Wight
PO30 4QT
office@wightrockbar.co.uk

COPY

The Court Manager
IW Magistrates Court
Quay Street
Newport
Isle of Wight
PO30 5YT

26 March 2013

Dear Sir/Madam,

Ref: The Wight Rock Bar - Appeal - Premises Licence review decision

Further to your telephone call, please see below the details of our reasons for appealing the decision.

The grounds for our appeal are as follows:

We feel the decision to be onerous and disproportionate to the true extent of the alleged problem, given the small number of recorded complaints reported by the Environmental Department, and their sparse correspondence to us.

The condition to be attached to our Premises Licence is ambiguous. The description has the heading "Barely Audible", yet the contents of the description suggest that drumbeats, etc should be unheard, ie. "inaudible". The condition would appear, therefore impossible to comply with.

The review was requested by the occupants of No. 1, St. Thomas' Street, alleging noise nuisance. We therefore have understood that our efforts to contain noise more effectively would relate solely to that property.

We are now aware that departments within the Council have been contacted by persons representing The Colonnade, and this after the hearing had taken place. As a result of this contact, it now seems that the decision reached at the hearing has been amended retrospectively, to the effect that the flats on the first floor of The Colonnade are to be included with regard to the proposed Licence condition. We feel this is entirely unjust.

Shaun & Deborah Newnham
10 Manor Green
Shalfleet
Isle of Wight
PO30 4QT
office@wightrockbar.co.uk

The commercial units immediately above our premises at street level are our immediate "neighbours", and NOT the flats above them. Yet the flats are now being referred to in the context of alleged noise nuisance, as a result not only of the approaches made by Mr Frost of The Colonnade, but also Mrs Carr's efforts to gain the support of the residents who had neither made official complaints themselves, nor requested a review of the Premises Licence. We surely cannot be held responsible for noise that may or may not reach the flats on the first floor. The shops make a good deal of noise of their own, and we feel that if they have made no provision for soundproofing their units in order to prevent noise leakage, how can it be discerned just whose noise might be heard within the flats?

The submissions made by the complainant contained a number of errors, exaggerations and factually incorrect statements, which we feel were not investigated sufficiently by the Environmental Department in order to establish the extent of the alleged problem being described by the Carrs. This causes us to have serious concerns that the Premises Review itself was allowed to be requested by Mr and Mrs Carr, when it appeared that none of the "Responsible Authorities" including most importantly, the Environmental Department, seemed to be of the opinion that such a review was warranted at this stage. That particular department has in the past attempted to attach conditions to our licence without our knowledge or agreement at a time when we were simply applying for a minor variation. This was noticed by us and subsequently removed at our request.

Yours faithfully,

Shaun Newnham

Deborah Newnham

COPY

Mr & Mrs S. Newnham,
The Wight Rock Bar,
The Colonnade,
Lind Street,
Ryde, I.W..

24:02;13

Dear Shaun and Debbie,

Thank you for your letter of 24:02:13.

We support your building idea. However, we understand that you will need to obtain Listed Building approval, via the Colonnade Management, certainly for your wall which is to go where your fire doors are.

Having successfully done this, we assume that Justin Biggs will need to be involved.

Failure to do either of these things will, as we know from past experience, result in trouble.

Sorry to be a "blot", but perhaps it would be better if we leave our items in the shaft for the moment, in case there has to be a change of plan, where they could be of use.

Once you get the go ahead, we will be happy to clear the shaft a.s.a.p..

We enclose our telephone number, in case you wish to get in touch urgently.

Best wishes,

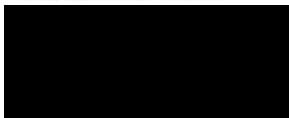
David Carr

01983

copy

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

Mr & Mrs Carr



24th February 2013

Dear David & Jackie,

Thank you for your letter of 23.2.13. As you know we don't get to the bar until the evening so couldn't meet with you yesterday.

We don't feel that attenuating the fan will make any difference as the box that is over the fan at the moment stops sound. From what you are saying this appears to have made no difference. We therefore have no choice but to try and make the whole wall soundproofed.

We are now going to do the works set out below:-

Remove in/out Air Fan & Inside Air Conditioning unit from back wall.

Remove fire doors from shaft area.

Block the drain in the shaft area.

Build a block wall to the height of our ceilings in the shaft area.

Fill block wall with sound deadening material.

Build another block wall to fill in where the fire doors were.

Re-route air via ducting to front outside area.

As you can appreciate this is a lot of work to get done in a short space of time. We would therefore request that you clear the shaft area of your materials a.s.a.p. this will enable us to commence with our works.

yours faithfully

Debbie & Shaun Newnham

Copy

Mr & Mrs S. Newnham,
The Wight Rock Bar,
The Colonnade,
Lind Street,
Ryde, I.W..



23:02:13

Dear Shaun & Debbie,
With reference to your letter.
Firstly, we offer you our support and assistance with the shaft problem.

You have not made it clear what you mean by "building works to the shaft"I'm thinking that you may be referring to the attenuator which you mentioned at the Review?
I think it would be helpful if we had a "site meeting" about this. I have had an idea which may assist you with your attenuator, if that is what you are referring to.

Please can we have a meeting a.s.a.p., but please let me assure you that we are working towards the same goal....there is absolutely no reason for us to be in dispute.

I am quite optimistic, from what I imagine your plans to be, that my ideas may be of some assistance.

I have not mentioned your various requests – nothing sinister here, as I am hoping to see you.

I am free from 3pm today, and would be happy to call round: I would like very much to discuss things with you.

We are determined that this shaft problem will be resolved to both our satisfaction.

Regards,

David Carr

copy

Mr & Mrs S Newnham
The Wight Rock Bar
Lind Street
Ryde
PO33 2NE

Mr & Mrs Carr



22nd February 2013

Dear David & Jackie,

We will be undertaking different tests to try and establish which sounds travel into your property, we would be grateful if you would let us know each time you hear something and to what level. We can then cross reference our records and hopefully sort the current situation out.

We will also be carrying out some building works to the shaft area but will not be able to commence any works until your wooden platform & metal stantions are removed. We would therefore ask that this be done as soon as possible.

We would also like to visit your property next Thursday (28th) to take some decibel readings. If this is not acceptable please let us know.

yours faithfully

Debbie & Shaun Newnham

YOUR COMMENT DETAILS

NAME: Roger Deakin

ADDRESS: [REDACTED] Ryde, Isle of Wight, PO33 [REDACTED]

TEL NO: [REDACTED]

EMAIL: [REDACTED]

COMMENTS: Re The Wight Rock Bar's licence review; Application number 041896 My name is Roger Deakin, I visit The Wight Rock Bar up-to three times a week but usually once a week minimum. Both Debbie and Shaun Newnham take their responsibilities of safety and licences very seriously in deed. Live music is played up-to 11pm with only a few occasions going on no more than a few minutes past 11pm when the audience request an encore. Even on these occasions, Shaun who controls the sound system will take a view on whether this will happen. One of his considerations is how loud are the band playing, if he considers it to be near the limiter, he will refuse, much to the audience disapproval. Through-out the evenings of live music, both Debbie and Shaun monitor the sound and if they consider it is getting towards the upper end of the limiter, they will lower the sound levels. Continuing from their monitoring, if bands are considered inappropriate, for varying reasons, including how loud they are, they will be refused further gigs and some bands have been banned from playing there again. They have employed (after many trials) a security firm Etiquette, that understands The Wight Rock Bars requirements, and will insist on crowds outside, but on the premises, to keep their voices to a level, such as talking, not shouting. The security firm Etiquette also search bags for bottles, even water (as they cannot guaranty it is only water), this will be removed and if they wish, given back when they leave The Wight Rock Bar. Under 18 nights, the security are even stricter, such as, if they notice these under 18's having alcohol on their breath, they also do not get into the premises. This results in the people not wanted onto The Wight Rock

premises, go else where, were other venues are less stringent. Although searching of bags do not have anything to do with the sound levels, it does demonstrate that both Debbie and Shaun Newnham take their responsibilities very seriously, as many nights have only a few people in the premises. This is preferred as everyone are relaxed and have a good experience there. Because of Debbie and Shaun's responsible behaviour, many people treat The Wight Rock bar as a friendly place to relax, with many, many comments from visitors saying they would sooner come to The Wight Rock Bar for a drink than go to other places and not feel safe. I would seriously doubt that the comment of 1170 occasions is a valid one. 6/7 years times the nights of actual live music is seriously overstated. Also "Heavy Rock" is seldom played at The Wight Rock Bar. It is more accurate to call it Indie, Blues, Skittle and Acoustic nights. I certainly consider Debbie and Shaun as friends first and proud to help them in any small way I can. My perception of The Wight Rock Bar is: it is an extension of my living room, as here I feel very safe and catered for. Yours Faithfully Roger Deakin AKA Roger Regular

**This email was sent from the Licensing Consultation comments form on iwight.com
on: 22/01/2013**

MacDonald, Sarah

From: Biggs, Justin
Sent: 25 June 2013 16:41
To: MacDonald, Sarah
Subject: RE: WIGHT ROCK BAR, RYDE

Hi Sarah,

I visited Mr. and Mrs. Carr some 3 weeks ago, and was shown the construction inside their property around the opening they had created in their external wall.

I was generally satisfied it would suffice as a temporary measure, and Mr. Carr agreed to replace a thick piece of ply boarding with a fire door cut to fit, which would provide a double skin protection to the hole in the wall.

Once the outcome of the hearing is known a more permanent solution would be implemented.

Hope this helps.

Kind regards,

Justin
